



Sen. Terry Link

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1 AMENDMENT TO SENATE BILL 747

2 AMENDMENT NO. _____. Amend Senate Bill 747 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 1.

5 Section 1-1. Short title. This Article may be cited as the
6 Chicago Casino Development Authority Act. References in this
7 Article to "this Act" mean this Article.

8 Section 1-5. Definitions. As used in this Act:

9 "Authority" means the Chicago Casino Development Authority
10 created by this Act.

11 "Board" means the board appointed pursuant to this Act to
12 govern and control the Authority.

13 "Casino" means one temporary land-based or water-based
14 facility and one permanent land-based or water-based facility
15 at each of which lawful gambling is authorized and licensed as

1 provided in the Illinois Gambling Act.

2 "City" means the City of Chicago.

3 "Casino operator licensee" means any person or entity
4 selected by the Authority and approved and licensed by the
5 Gaming Board to manage and operate a casino within the City of
6 Chicago pursuant to a casino management contract.

7 "Casino management contract" means a legally binding
8 agreement between the Authority and a casino operator licensee
9 to operate or manage a casino.

10 "Executive director" means the person appointed by the
11 Board to oversee the daily operations of the Authority.

12 "Gaming Board" means the Illinois Gaming Board created by
13 the Illinois Gambling Act.

14 "Mayor" means the Mayor of the City.

15 Section 1-12. Creation of the Authority. There is hereby
16 created a political subdivision, unit of local government with
17 only the powers authorized by law, body politic, and municipal
18 corporation, by the name and style of the Chicago Casino
19 Development Authority.

20 Section 1-13. Duties of the Authority. It shall be the duty
21 of the Authority, as a casino licensee under the Illinois
22 Gambling Act, to promote and maintain a casino in the City. The
23 Authority shall construct, equip, and maintain grounds,
24 buildings, and facilities for that purpose. The Authority shall

1 contract with a casino operator licensee to manage and operate
2 the casino and in no event shall the Authority or City manage
3 or operate the casino. The Authority may, pursuant to the
4 bidding procedures of Section 1-115, contract with other third
5 parties in order to fulfill its purpose. The Authority is
6 responsible for the payment of any fees required of a casino
7 operator under subsection (a) of Section 7.8 of the Illinois
8 Gambling Act if the casino operator licensee is late in paying
9 any such fees. The Authority is granted all rights and powers
10 necessary to perform such duties. The Authority and casino
11 operator licensee are subject to the Illinois Gambling Act and
12 all of the rules of the Illinois Gaming Board.

13 Section 1-15. Board.

14 (a) The governing and administrative powers of the
15 Authority shall be vested in a body known as the Chicago Casino
16 Development Board. The Board shall consist of 5 members
17 appointed by the Mayor. All appointees shall be subject to
18 background investigation and approval by the Gaming Board. One
19 of these members shall be designated by the Mayor to serve as
20 chairperson. All of the members appointed by the Mayor shall be
21 residents of the City.

22 (b) Board members shall receive \$300 for each day the
23 Authority meets and shall be entitled to reimbursement of
24 reasonable expenses incurred in the performance of their
25 official duties. A Board member who serves in the office of

1 secretary-treasurer may also receive compensation for services
2 provided as that officer.

3 Section 1-20. Terms of appointments; resignation and
4 removal.

5 (a) The Mayor shall appoint 2 members of the Board for an
6 initial term expiring July 1 of the year following approval by
7 the Gaming Board, 2 members for an initial term expiring July 1
8 three years following approval by the Gaming Board, and one
9 member for an initial term expiring July 1 five years following
10 approval by the Gaming Board.

11 (b) All successors shall hold office for a term of 5 years
12 from the first day of July of the year in which they are
13 appointed, except in the case of an appointment to fill a
14 vacancy. Each member, including the chairperson, shall hold
15 office until the expiration of his or her term and until his or
16 her successor is appointed and qualified. Nothing shall
17 preclude a member from serving consecutive terms. Any member
18 may resign from office, to take effect when a successor has
19 been appointed and qualified. A vacancy in office shall occur
20 in the case of a member's death or indictment, conviction, or
21 plea of guilty to a felony. A vacancy shall be filled for the
22 unexpired term by the Mayor with the approval of the Gaming
23 Board.

24 (c) Members of the Board shall serve at the pleasure of the
25 Mayor. The Mayor or the Gaming Board may remove any member of

1 the Board upon a finding of incompetence, neglect of duty, or
2 misfeasance or malfeasance in office or for a violation of this
3 Act. The Gaming Board may remove any member of the Board for
4 any violation of the Illinois Gambling Act or the rules and
5 regulations of the Gaming Board.

6 Section 1-25. Organization of Board; meetings. After
7 appointment by the Mayor and approval of the Gaming Board, the
8 Board shall organize for the transaction of business. The Board
9 shall prescribe the time and place for meetings, the manner in
10 which special meetings may be called, and the notice that must
11 be given to members. All actions and meetings of the Board
12 shall be subject to the provisions of the Open Meetings Act.
13 Three members of the Board shall constitute a quorum. All
14 substantive action of the Board shall be by resolution with an
15 affirmative vote of a majority of the members.

16 Section 1-30. Executive director; officers.

17 (a) The Board shall appoint an executive director, subject
18 to completion of a background investigation and approval by the
19 Gaming Board, who shall be the chief executive officer of the
20 Authority. The Board shall fix the compensation of the
21 executive director. Subject to the general control of the
22 Board, the executive director shall be responsible for the
23 management of the business, properties, and employees of the
24 Authority. The executive director shall direct the enforcement

1 of all resolutions, rules, and regulations of the Board, and
2 shall perform such other duties as may be prescribed from time
3 to time by the Board. All employees and independent
4 contractors, consultants, engineers, architects, accountants,
5 attorneys, financial experts, construction experts and
6 personnel, superintendents, managers, and other personnel
7 appointed or employed pursuant to this Act shall report to the
8 executive director. In addition to any other duties set forth
9 in this Act, the executive director shall do all of the
10 following:

11 (1) Direct and supervise the administrative affairs
12 and activities of the Authority in accordance with its
13 rules, regulations, and policies.

14 (2) Attend meetings of the Board.

15 (3) Keep minutes of all proceedings of the Board.

16 (4) Approve all accounts for salaries, per diem
17 payments, and allowable expenses of the Board and its
18 employees and consultants.

19 (5) Report and make recommendations to the Board
20 concerning the terms and conditions of any casino
21 management contract.

22 (6) Perform any other duty that the Board requires for
23 carrying out the provisions of this Act.

24 (7) Devote his or her full time to the duties of the
25 office and not hold any other office or employment.

26 (b) The Board may select a secretary-treasurer to hold

1 office at the pleasure of the Board. The Board shall fix the
2 duties of such officer.

3 Section 1-31. General rights and powers of the Authority.
4 In addition to the duties and powers set forth in this Act, the
5 Authority shall have the following rights and powers:

6 (1) Adopt and alter an official seal.

7 (2) Establish and change its fiscal year.

8 (3) Sue and be sued, plead and be impleaded, all in its
9 own name, and agree to binding arbitration of any dispute
10 to which it is a party.

11 (4) Adopt, amend, and repeal bylaws, rules, and
12 regulations consistent with the furtherance of the powers
13 and duties provided for.

14 (5) Maintain its principal office within the City and
15 such other offices as the Board may designate.

16 (6) Select locations in the City for a temporary and a
17 permanent casino, subject to final approval by the Gaming
18 Board, but in no event shall any location be at or in an
19 airport.

20 (7) Conduct background investigations of potential
21 casino operator licensees, including its principals or
22 shareholders, and Authority staff.

23 (8) Subject to the bidding procedures of Section 1-115
24 (except for regular employees) employ, either as regular
25 employees or independent contractors, consultants,

1 engineers, architects, accountants, attorneys, financial
2 experts, construction experts and personnel,
3 superintendents, managers and other professional
4 personnel, and such other personnel as may be necessary in
5 the judgment of the Board, and fix their compensation.

6 (9) Pursuant to Section 1-115, own, acquire,
7 construct, equip, lease, operate, and maintain grounds,
8 buildings, and facilities to carry out its corporate
9 purposes and duties.

10 (10) Enter into, revoke, and modify contracts subject
11 to prior approval and procedures of the Gaming Board.

12 (11) Enter into a casino management contract subject to
13 the prior approval of the Gaming Board.

14 (12) Develop, or cause to be developed by a third party
15 pursuant to Section 1-115, a master plan for the design,
16 planning, and development of a casino, subject to the
17 approval of the Gaming Board.

18 (13) Negotiate and enter into intergovernmental
19 agreements with the State and its agencies, the City, and
20 other units of local government, in furtherance of the
21 powers and duties of the Board.

22 (14) Receive and disburse funds for its own corporate
23 purposes or as otherwise specified in this Act.

24 (15) Borrow money from any source, public or private,
25 for any corporate purpose, including, without limitation,
26 working capital for its operations, reserve funds, or

1 payment of interest, and to mortgage, pledge, or otherwise
2 encumber the property or funds of the Authority and to
3 contract with or engage the services of any person in
4 connection with any financing, including financial
5 institutions, issuers of letters of credit, or insurers and
6 enter into reimbursement agreements with this person or
7 entity which may be secured as if money were borrowed from
8 the person or entity.

9 (16) Issue bonds as provided for under this Act.

10 (17) Receive and accept from any source, private or
11 public, contributions, gifts, or grants of money or
12 property to the Authority.

13 (18) Provide for the insurance of any property,
14 operations, officers, members, agents, or employees of the
15 Authority against any risk or hazard, to self-insure or
16 participate in joint self-insurance pools or entities to
17 insure against such risk or hazard, and to provide for the
18 indemnification of its officers, members, employees,
19 contractors, or agents against any and all risks.

20 (19) Exercise all the corporate powers granted
21 Illinois corporations under the Business Corporation Act
22 of 1983, except to the extent that powers are inconsistent
23 with those of a body politic and corporate of the State.

24 (20) Do all things necessary or convenient to carry out
25 the powers granted by this Act.

1 Section 1-32. Ethical conduct.

2 (a) Board members and employees of the Authority must carry
3 out their duties and responsibilities in such a manner as to
4 promote and preserve public trust and confidence in the
5 integrity and conduct of gaming.

6 (b) Except as may be required in the conduct of official
7 duties, Board members and employees of the Authority shall not
8 engage in gambling on any riverboat, in any casino, or in an
9 electronic gaming facility licensed by the Illinois Gaming
10 Board or engage in legalized gambling in any establishment
11 identified by Board action that, in the judgment of the Board,
12 could represent a potential for a conflict of interest.

13 (c) A Board member or employee of the Authority shall not
14 use or attempt to use his or her official position to secure or
15 attempt to secure any privilege, advantage, favor, or influence
16 for himself or herself or others.

17 (d) Board members and employees of the Authority shall not
18 hold or pursue employment, office, position, business, or
19 occupation that may conflict with his or her official duties.
20 Employees may engage in other gainful employment so long as
21 that employment does not interfere or conflict with their
22 duties. Such employment must be disclosed to the executive
23 director and approved by the Board.

24 (e) Board members and employees of the Authority may not
25 engage in employment, communications, or any activity that may
26 be deemed a conflict of interest. This prohibition shall extend

1 to any act identified by Board action or Gaming Board action
2 that, in the judgment of either entity, could represent the
3 potential for or the appearance of a conflict of interest.

4 (f) Board members and employees of the Authority and
5 elected officials and employees of the City of Chicago may not
6 have a financial interest, directly or indirectly, in his or
7 her own name or in the name of any other person, partnership,
8 association, trust, corporation, or other entity in any
9 contract or subcontract for the performance of any work for the
10 Authority. This prohibition shall extend to the holding or
11 acquisition of an interest in any entity identified by Board
12 action or Gaming Board action that, in the judgment of either
13 entity, could represent the potential for or the appearance of
14 a financial interest. The holding or acquisition of an interest
15 in such entities through an indirect means, such as through a
16 mutual fund, shall not be prohibited, except that the Gaming
17 Board may identify specific investments or funds that, in its
18 judgment, are so influenced by gaming holdings as to represent
19 the potential for or the appearance of a conflict of interest.

20 (g) Board members and employees of the Authority and
21 elected officials and employees of the City of Chicago may not
22 accept any gift, gratuity, service, compensation, travel,
23 lodging, or thing of value, with the exception of unsolicited
24 items of an incidental nature, from any person, corporation, or
25 entity doing business with the Authority.

26 (h) No Board member or employee of the Authority may,

1 during employment or within a period of 2 years immediately
2 after termination of employment, knowingly accept employment
3 or receive compensation or fees for services from a person or
4 entity, or its parent or affiliate, that has engaged in
5 business with the Authority that resulted in contracts with an
6 aggregate value of at least \$25,000 or if that Board member or
7 employee has made a decision that directly applied to the
8 person or entity, or its parent or affiliate.

9 (i) A spouse, child, or parent of a Board member or
10 employee of the Authority or an elected official or employee of
11 the City of Chicago may not have a financial interest, directly
12 or indirectly, in his or her own name or in the name of any
13 other person, partnership, association, trust, corporation, or
14 other entity in any contract or subcontract for the performance
15 of any work for the Authority. This prohibition shall extend to
16 the holding or acquisition of an interest in any entity
17 identified by Board action or Gaming Board action that, in the
18 judgment of either entity, could represent the potential for or
19 the appearance of a conflict of interest. The holding or
20 acquisition of an interest in such entities through an indirect
21 means, such as through a mutual fund, shall not be prohibited,
22 except that the Gaming Board may identify specific investments
23 or funds that, in its judgment, are so influenced by gaming
24 holdings as to represent the potential for or the appearance of
25 a conflict of interest.

26 (j) A spouse, child, or parent of a Board member or

1 employee of the Authority or an elected official or employee of
2 the City of Chicago may not accept any gift, gratuity, service,
3 compensation, travel, lodging, or thing of value, with the
4 exception of unsolicited items of an incidental nature, from
5 any person, corporation, or entity doing business with the
6 Authority.

7 (k) A spouse, child, or parent of a Board member or
8 employee of the Authority may not, while the person is a Board
9 member or employee of the spouse or within a period of 2 years
10 immediately after termination of employment, knowingly accept
11 employment or receive compensation or fees for services from a
12 person or entity, or its parent or affiliate, that has engaged
13 in business with the Authority that resulted in contracts with
14 an aggregate value of at least \$25,000 or if that Board member
15 or employee has made a decision that directly applied to the
16 person or entity, or its parent or affiliate.

17 (l) No Board member or employee of the Authority or an
18 elected official or employee of the City of Chicago may
19 attempt, in any way, to influence any person or corporation
20 doing business with the Authority or any officer, agent, or
21 employee thereof to hire or contract with any person or
22 corporation for any compensated work.

23 (m) Any communication between an elected official of the
24 City and any applicant for or party to a casino management
25 contract with the Authority, or an officer, director, or
26 employee thereof, concerning any manner relating in any way to

1 gaming or the Authority shall be disclosed to the Board and the
2 Gaming Board. Such disclosure shall be in writing by the
3 official within 30 days after the communication and shall be
4 filed with the Board. Disclosure must consist of the date of
5 the communication, the identity and job title of the person
6 with whom the communication was made, a brief summary of the
7 communication, the action requested or recommended, all
8 responses made, the identity and job title of the person making
9 the response, and any other pertinent information.

10 Public disclosure of the written summary provided to the
11 Board and the Gaming Board shall be subject to the exemptions
12 provided under Section 7 of the Freedom of Information Act.

13 (n) Any Board member or employee of the Authority who
14 violates any provision of this Section is guilty of a Class 4
15 felony.

16 Section 1-45. Casino management contracts.

17 (a) The Gaming Board shall develop and administer a
18 competitive sealed bidding process in accordance with Section
19 20-15 of the Illinois Procurement Code and all applicable rules
20 for the selection of a potential casino operator licensee to
21 develop or operate a casino within the City. The Gaming Board
22 shall issue one or more requests for proposals. The Gaming
23 Board may establish minimum financial and investment
24 requirements to determine the eligibility of persons to respond
25 to the Gaming Board's requests for proposal, and may establish

1 and consider such other criteria as it deems appropriate. The
2 Gaming Board may impose a reasonable fee upon persons who
3 respond to requests for proposal, in order to reimburse the
4 Board for its costs in preparing and issuing the requests and
5 reviewing the proposals.

6 (b) Within 5 days after the due date for submitting bids
7 and proposals has passed, the Gaming Board shall make all bids
8 and proposals public, provided, however, the Gaming Board shall
9 not be required to disclose any information which would be
10 exempt from disclosure under Section 7 of the Freedom of
11 Information Act. Thereafter, the Gaming Board shall evaluate
12 the responses to its requests for proposal and the ability of
13 all persons or entities responding to its requests for proposal
14 to meet the requirements of this Act and to undertake and
15 perform the obligations set forth in its requests for proposal.

16 (c) After reviewing proposals, the Gaming Board shall allow
17 the Board to enter into a casino management contract
18 authorizing the operation of a casino. Validity of the casino
19 management contract is contingent upon the issuance of a casino
20 operator license to the successful bidder. If the Gaming Board
21 approves the contract and grants a casino operator license, the
22 Board shall transmit a copy of the executed casino management
23 contract to the Gaming Board.

24 (d) After the Authority has been issued a casino license,
25 the Gaming Board has issued a casino operator license, and the
26 Gaming Board has approved the location of a temporary facility,

1 the Authority may conduct gaming operations at a temporary
2 facility for no longer than 24 months after gaming operations
3 begin. The Gaming Board may, after holding a public hearing,
4 grant an extension so long as a permanent facility is not
5 operational and the Authority is working in good faith to
6 complete the permanent facility. The Gaming Board may grant
7 additional extensions following a public hearing. Each
8 extension may be for a period of no longer than 6 months.

9 (e) Fifty percent of any initial consideration received by
10 the Authority that was paid as an inducement pursuant to a bid
11 for a casino management contract or an executed casino
12 management contract must be transmitted to the State and
13 deposited into the Gaming Facilities Fee Revenue Fund. The
14 initial consideration shall not include any amounts paid by an
15 entity on behalf of the Authority for any license or per
16 position fees imposed pursuant to the Illinois Gambling Act or
17 any other financial obligation of the Authority.

18 Section 1-50. Transfer of funds. The revenues received by
19 the Authority (other than amounts required to be paid pursuant
20 to the Illinois Gambling Act and amounts required to pay the
21 operating expenses of the Authority, to pay amounts due the
22 casino operator licensee pursuant to a casino management
23 contract, to repay any borrowing of the Authority made pursuant
24 to Section 1-31, to pay debt service on any bonds issued under
25 Section 1-75, and to pay any expenses in connection with the

1 issuance of such bonds pursuant to Section 1-75 or derivative
2 products pursuant to Section 1-85) shall be transferred to the
3 City by the Authority. The monies transferred to the City
4 pursuant to this Section shall be expended or obligated by the
5 City for the construction and maintenance of infrastructure and
6 for related purposes within the municipality. Such
7 infrastructure may include, but is not limited to, roads,
8 bridges transit infrastructure, water and sewer
9 infrastructure, schools, parks, and municipal facilities.

10 Section 1-60. Auditor General.

11 (a) Prior to the issuance of bonds under this Act, the
12 Authority shall submit to the Auditor General a certification
13 that:

14 (1) it is legally authorized to issue bonds;

15 (2) scheduled annual payments of principal and
16 interest on the bonds to be issued meet the requirements of
17 Section 1-75 of this Act;

18 (3) no bond shall mature later than 30 years; and

19 (4) after payment of costs of issuance and necessary
20 deposits to funds and accounts established with respect to
21 debt service on the bonds, the net bond proceeds (exclusive
22 of any proceeds to be used to refund outstanding bonds)
23 will be used only for the purposes set forth in this Act.

24 The Authority also shall submit to the Auditor General its
25 projections on revenues to be generated and pledged to

1 repayment of the bonds as scheduled and such other information
2 as the Auditor General may reasonably request.

3 The Auditor General shall examine the certifications and
4 information submitted and submit a report to the Authority and
5 the Gaming Board indicating whether the required
6 certifications, projections, and other information have been
7 submitted by the Authority and that the assumptions underlying
8 the projections are not unreasonable in the aggregate. The
9 Auditor General shall submit the report no later than 60 days
10 after receiving the information required to be submitted by the
11 Authority.

12 The Authority shall not issue bonds until it receives the
13 report from the Auditor General indicating the requirements of
14 this Section have been met. The Auditor General's report shall
15 not be in the nature of a post-audit or examination and shall
16 not lead to the issuance of an opinion, as that term is defined
17 in generally accepted government auditing standards. The
18 Auditor General shall submit a bill to the Authority for costs
19 associated with the examinations and report required under this
20 Section. The Authority shall reimburse in a timely manner.

21 (b) The Authority shall enter into an intergovernmental
22 agreement with the Auditor General authorizing the Auditor
23 General to, every 2 years, (i) review the financial audit of
24 the Authority performed by the Authority's certified public
25 accountants, (ii) perform a management audit of the Authority,
26 and (iii) perform a management audit of the casino operator

1 licensee. The Auditor General shall provide the Authority and
2 the General Assembly with the audits and shall post a copy on
3 his or her website. The Auditor General shall submit a bill to
4 the Authority for costs associated with the review and the
5 audit required under this Section, which costs shall not exceed
6 \$100,000, and the Authority shall reimburse the Auditor General
7 for such costs in a timely manner.

8 Section 1-62. Advisory committee. An Advisory Committee is
9 established to monitor, review, and report on (1) the
10 Authority's utilization of minority-owned business enterprises
11 and female-owned business enterprises certified pursuant to
12 the Business Enterprise Act or the City of Chicago's Minority
13 and Women-owned Business (M/WBE) Procurement Program, (2)
14 employment of females, and (3) employment of minorities with
15 regard to the development and construction of the casino as
16 authorized under Section 7 of the Illinois Gambling Act. The
17 Authority shall work with the Advisory Committee in
18 accumulating necessary information for the Committee to submit
19 reports, as necessary, to the General Assembly and to the City.

20 The Committee shall consist of 11 members as provided in
21 this Section. Four members shall be selected by the Governor; 3
22 members shall be selected by the Mayor of the City of Chicago;
23 one member shall be selected by the President of the Senate;
24 one member shall be selected by the Speaker of the House of
25 Representatives; one member shall be selected by the Minority

1 Leader of the Senate; and one member shall be selected by the
2 Minority Leader of the House of Representatives. The Advisory
3 Committee shall meet periodically and shall report the
4 information to the Mayor of the City and to the General
5 Assembly by December 31st of every year.

6 The Advisory Committee shall be dissolved on the date that
7 casino gambling operations are first conducted at a permanent
8 facility under the license authorized under Section 7 of the
9 Illinois Gambling Act. For the purposes of this Section, the
10 terms "female" and "minority person" have the meanings provided
11 in Section 2 of the Business Enterprise for Minorities,
12 Females, and Persons with Disabilities Act.

13 Section 1-65. Acquisition of property; eminent domain
14 proceedings. For the lawful purposes of this Act, the City may
15 acquire by eminent domain or by condemnation proceedings in the
16 manner provided by the Eminent Domain Act, real or personal
17 property or interests in real or personal property located in
18 the City, and the City may convey to the Authority property so
19 acquired. The acquisition of property under this Section is
20 declared to be for a public use.

21 Section 1-70. Local regulation. The casino facilities and
22 operations therein shall be subject to all ordinances and
23 regulations of the City. The construction, development, and
24 operation of the casino shall comply with all ordinances,

1 regulations, rules, and controls of the City, including but not
2 limited to those relating to zoning and planned development,
3 building, fire prevention, and land use. However, the
4 regulation of gaming operations is subject to the exclusive
5 jurisdiction of the Gaming Board.

6 Section 1-75. Borrowing.

7 (a) The Authority may borrow money and issue bonds as
8 provided in this Section. Bonds of the Authority may be issued
9 to provide funds for land acquisition, site assembly and
10 preparation, and the design and construction of the casino, as
11 defined in the Illinois Gambling Act, all ancillary and related
12 facilities comprising the casino complex, and all on-site and
13 off-site infrastructure improvements required in connection
14 with the development of the casino; to refund (at the time or
15 in advance of any maturity or redemption) or redeem any bonds
16 of the Authority; to provide or increase a debt service reserve
17 fund or other reserves with respect to any or all of its bonds;
18 or to pay the legal, financial, administrative, bond insurance,
19 credit enhancement, and other legal expenses of the
20 authorization, issuance, or delivery of bonds. In this Act, the
21 term "bonds" also includes notes of any kind, interim
22 certificates, refunding bonds, or any other evidence of
23 obligation for borrowed money issued under this Section. Bonds
24 may be issued in one or more series and may be payable and
25 secured either on a parity with or separately from other bonds.

1 (b) The bonds of the Authority shall be payable from one or
2 more of the following sources: (i) the property or revenues of
3 the Authority; (ii) revenues derived from the casino; (iii)
4 revenues derived from any casino operator licensee; (iv) fees,
5 bid proceeds, charges, lease payments, payments required
6 pursuant to any casino management contract or other revenues
7 payable to the Authority, or any receipts of the Authority; (v)
8 payments by financial institutions, insurance companies, or
9 others pursuant to letters or lines of credit, policies of
10 insurance, or purchase agreements; (vi) investment earnings
11 from funds or accounts maintained pursuant to a bond resolution
12 or trust indenture; (vii) proceeds of refunding bonds; (viii)
13 any other revenues derived from or payments by the City; and
14 (ix) any payments by any casino operator licensee or others
15 pursuant to any guaranty agreement.

16 (c) Bonds shall be authorized by a resolution of the
17 Authority and may be secured by a trust indenture by and
18 between the Authority and a corporate trustee or trustees,
19 which may be any trust company or bank having the powers of a
20 trust company within or without the State. Bonds shall meet the
21 following requirements:

22 (1) Bonds shall bear interest at a rate not to exceed
23 the maximum rate authorized by the Bond Authorization Act.

24 (2) Bonds issued pursuant to this Section may be
25 payable on such dates and times as may be provided for by
26 the resolution or indenture authorizing the issuance of

1 such bonds; provided, however, that such bonds shall mature
2 no later than 30 years from the date of issuance.

3 (3) At least 25%, based on total principal amount, of
4 all bonds issued pursuant to this Section shall be sold
5 pursuant to notice of sale and public bid. No more than
6 75%, based on total principal amount, of all bonds issued
7 pursuant to this Section shall be sold by negotiated sale.

8 (4) Bonds shall be payable at a time or times, in the
9 denominations and form, including book entry form, either
10 coupon, registered, or both, and carry the registration and
11 privileges as to exchange, transfer or conversion, and
12 replacement of mutilated, lost, or destroyed bonds as the
13 resolution or trust indenture may provide.

14 (5) Bonds shall be payable in lawful money of the
15 United States at a designated place.

16 (6) Bonds shall be subject to the terms of purchase,
17 payment, redemption, refunding, or refinancing that the
18 resolution or trust indenture provides.

19 (7) Bonds shall be executed by the manual or facsimile
20 signatures of the officers of the Authority designated by
21 the Board, which signatures shall be valid at delivery even
22 for one who has ceased to hold office.

23 (8) Bonds shall be sold at public or private sale in
24 the manner and upon the terms determined by the Authority.

25 (9) Bonds shall be issued in accordance with the
26 provisions of the Local Government Debt Reform Act.

1 (d) The Authority shall adopt a procurement program with
2 respect to contracts relating to underwriters, bond counsel,
3 financial advisors, and accountants. The program shall include
4 goals for the payment of not less than 30% of the total dollar
5 value of the fees from these contracts to certified
6 minority-owned businesses and female-owned businesses as
7 defined in the Business Enterprise for Minorities, Females, and
8 Persons with Disabilities Act. The Authority shall conduct
9 outreach to minority-owned businesses and female-owned
10 businesses. Outreach shall include, but is not limited to,
11 advertisements in periodicals and newspapers, mailings, and
12 other appropriate media. The Authority shall submit to the
13 General Assembly a comprehensive report that shall include, at
14 a minimum, the details of the procurement plan, outreach
15 efforts, and the results of the efforts to achieve goals for
16 the payment of fees.

17 (e) Subject to the Illinois Gambling Act and rules of the
18 Gaming Board regarding pledging of interests in holders of
19 owners licenses, any resolution or trust indenture may contain
20 provisions that may be a part of the contract with the holders
21 of the bonds as to the following:

22 (1) Pledging, assigning, or directing the use,
23 investment, or disposition of revenues of the Authority or
24 proceeds or benefits of any contract, including without
25 limitation any rights in any casino management contract.

26 (2) The setting aside of loan funding deposits, debt

1 service reserves, replacement or operating reserves, cost
2 of issuance accounts and sinking funds, and the regulation,
3 investment, and disposition thereof.

4 (3) Limitations on the purposes to which or the
5 investments in which the proceeds of sale of any issue of
6 bonds or the Authority's revenues and receipts may be
7 applied or made.

8 (4) Limitations on the issue of additional bonds, the
9 terms upon which additional bonds may be issued and
10 secured, the terms upon which additional bonds may rank on
11 a parity with, or be subordinate or superior to, other
12 bonds.

13 (5) The refunding, advance refunding, or refinancing
14 of outstanding bonds.

15 (6) The procedure, if any, by which the terms of any
16 contract with bondholders may be altered or amended and the
17 amount of bonds and holders of which must consent thereto
18 and the manner in which consent shall be given.

19 (7) Defining the acts or omissions that shall
20 constitute a default in the duties of the Authority to
21 holders of bonds and providing the rights or remedies of
22 such holders in the event of a default, which may include
23 provisions restricting individual rights of action by
24 bondholders.

25 (8) Providing for guarantees, pledges of property,
26 letters of credit, or other security, or insurance for the

1 benefit of bondholders.

2 (f) No member of the Board, nor any person executing the
3 bonds, shall be liable personally on the bonds or subject to
4 any personal liability by reason of the issuance of the bonds.

5 (g) The Authority may issue and secure bonds in accordance
6 with the provisions of the Local Government Credit Enhancement
7 Act.

8 (h) A pledge by the Authority of revenues and receipts as
9 security for an issue of bonds or for the performance of its
10 obligations under any casino management contract shall be valid
11 and binding from the time when the pledge is made. The revenues
12 and receipts pledged shall immediately be subject to the lien
13 of the pledge without any physical delivery or further act, and
14 the lien of any pledge shall be valid and binding against any
15 person having any claim of any kind in tort, contract, or
16 otherwise against the Authority, irrespective of whether the
17 person has notice. No resolution, trust indenture, management
18 agreement or financing statement, continuation statement, or
19 other instrument adopted or entered into by the Authority need
20 be filed or recorded in any public record other than the
21 records of the Authority in order to perfect the lien against
22 third persons, regardless of any contrary provision of law.

23 (i) Bonds that are being paid or retired by issuance, sale,
24 or delivery of bonds, and bonds for which sufficient funds have
25 been deposited with the paying agent or trustee to provide for
26 payment of principal and interest thereon, and any redemption

1 premium, as provided in the authorizing resolution, shall not
2 be considered outstanding for the purposes of this subsection.

3 (j) The bonds of the Authority shall not be indebtedness of
4 the State. The bonds of the Authority are not general
5 obligations of the State and are not secured by a pledge of the
6 full faith and credit of the State and the holders of bonds of
7 the Authority may not require, except as provided in this Act,
8 the application of State revenues or funds to the payment of
9 bonds of the Authority.

10 (k) The State of Illinois pledges and agrees with the
11 owners of the bonds that it will not limit or alter the rights
12 and powers vested in the Authority by this Act so as to impair
13 the terms of any contract made by the Authority with the owners
14 or in any way impair the rights and remedies of the owners
15 until the bonds, together with interest on them, and all costs
16 and expenses in connection with any action or proceedings by or
17 on behalf of the owners, are fully met and discharged. The
18 Authority is authorized to include this pledge and agreement in
19 any contract with the owners of bonds issued under this
20 Section.

21 (l) No person holding an elective office in the City or
22 this State, holding a seat in the General Assembly, or serving
23 as a board member, trustee, officer, or employee of the
24 Authority, including the spouse of that person, may receive a
25 legal, banking, consulting, or other fee related to the
26 issuance of bonds. This prohibition shall also apply to a

1 company or firm that employs a person holding an elective
2 office in this State, holding a seat in the General Assembly,
3 or serving as a board member, trustee, officer, or employee of
4 the Authority, including the spouse of that person, if the
5 person or his or her spouse has greater than 7.5% ownership of
6 the company or firm.

7 Section 1-85. Derivative products. With respect to all or
8 part of any issue of its bonds, the Authority may enter into
9 agreements or contracts with any necessary or appropriate
10 person, which will have the benefit of providing to the
11 Authority an interest rate basis, cash flow basis, or other
12 basis different from that provided in the bonds for the payment
13 of interest. Such agreements or contracts may include, without
14 limitation, agreements or contracts commonly known as
15 "interest rate swap agreements", "forward payment conversion
16 agreements", "futures", "options", "puts", or "calls" and
17 agreements or contracts providing for payments based on levels
18 of or changes in interest rates, agreements or contracts to
19 exchange cash flows or a series of payments, or to hedge
20 payment, rate spread, or similar exposure.

21 Section 1-90. Legality for investment. The State of
22 Illinois, all governmental entities, all public officers,
23 banks, bankers, trust companies, savings banks and
24 institutions, building and loan associations, savings and loan

1 associations, investment companies, and other persons carrying
2 on a banking business, insurance companies, insurance
3 associations, and other persons carrying on an insurance
4 business, and all executors, administrators, guardians,
5 trustees, and other fiduciaries may legally invest any sinking
6 funds, moneys, or other funds belonging to them or within their
7 control in any bonds issued under this Act. However, nothing in
8 this Section shall be construed as relieving any person, firm,
9 or corporation from any duty of exercising reasonable care in
10 selecting securities for purchase or investment.

11 Section 1-105. Budgets and reporting.

12 (a) The Board shall annually adopt a budget for each fiscal
13 year. The budget may be modified from time to time in the same
14 manner and upon the same vote as it may be adopted. The budget
15 shall include the Authority's available funds and estimated
16 revenues and shall provide for payment of its obligations and
17 estimated expenditures for the fiscal year, including, without
18 limitation, expenditures for administration, operation,
19 maintenance and repairs, debt service, and deposits into
20 reserve and other funds and capital projects.

21 (b) The Board shall annually cause the finances of the
22 Authority to be audited by a firm of certified public
23 accountants selected by the Board in accordance with the rules
24 of the Gaming Board and post the firm's audits of the Authority
25 on the Authority's Internet website.

1 (c) The Board shall, for each fiscal year, prepare an
2 annual report setting forth information concerning its
3 activities in the fiscal year and the status of the development
4 of the casino. The annual report shall include the audited
5 financial statements of the Authority for the fiscal year, the
6 budget for the succeeding fiscal year, and the current capital
7 plan as of the date of the report. Copies of the annual report
8 shall be made available to persons who request them and shall
9 be submitted not later than 120 days after the end of the
10 Authority's fiscal year or, if the audit of the Authority's
11 financial statements is not completed within 120 days after the
12 end of the Authority's fiscal year, as soon as practical after
13 completion of the audit, to the Governor, the Mayor, the
14 General Assembly, and the Commission on Government Forecasting
15 and Accountability.

16 Section 1-110. Deposit and withdrawal of funds.

17 (a) All funds deposited by the Authority in any bank or
18 savings and loan association shall be placed in the name of the
19 Authority and shall be withdrawn or paid out only by check or
20 draft upon the bank or savings and loan association, signed by
21 2 officers or employees designated by the Board.
22 Notwithstanding any other provision of this Section, the Board
23 may designate any of its members or any officer or employee of
24 the Authority to authorize the wire transfer of funds deposited
25 by the secretary-treasurer of funds in a bank or savings and

1 loan association for the payment of payroll and employee
2 benefits-related expenses.

3 No bank or savings and loan association shall receive
4 public funds as permitted by this Section unless it has
5 complied with the requirements established pursuant to Section
6 of the Public Funds Investment Act.

7 (b) If any officer or employee whose signature appears upon
8 any check or draft issued pursuant to this Act ceases (after
9 attaching his signature) to hold his or her office before the
10 delivery of such a check or draft to the payee, his or her
11 signature shall nevertheless be valid and sufficient for all
12 purposes with the same effect as if he or she had remained in
13 office until delivery thereof.

14 Section 1-112. Contracts with the Authority or casino
15 operator licensee; disclosure requirements.

16 (a) A bidder, respondent, offeror, or contractor for
17 contracts with the Authority or casino operator licensee shall
18 disclose the identity of all officers and directors and every
19 owner, beneficiary, or person with beneficial interest of more
20 than 1% or shareholder entitled to receive more than 1% of the
21 total distributable income of any corporation having any
22 interest in the contract or in the bidder, respondent, offeror,
23 or contractor. The disclosure shall be in writing and attested
24 to by an owner, trustee, corporate official, or agent. If stock
25 in a corporation is publicly traded and there is no readily

1 known individual having greater than a 1% interest, then a
2 statement to that effect attested to by an officer or agent of
3 the corporation shall fulfill the disclosure statement
4 requirement of this Section. A bidder, respondent, offeror, or
5 contractor shall notify the Authority of any changes in
6 officers, directors, ownership, or individuals having a
7 beneficial interest of more than 1%.

8 (b) A bidder, respondent, offeror, or contractor for
9 contracts with an annual value of \$10,000 or more or for a
10 period to exceed one year shall disclose all political
11 contributions of the bidder, respondent, offeror, or
12 contractor and any affiliated person or entity. Disclosure
13 shall include at least the names and addresses of the
14 contributors and the dollar amounts of any contributions to any
15 political committee made within the previous 2 years. The
16 disclosure must be submitted to the Gaming Board with a copy of
17 the contract.

18 (c) As used in this Section:

19 "Contribution" means contribution as defined in Section
20 9-1.4 of the Election Code.

21 "Affiliated person" means (i) any person with any ownership
22 interest or distributive share of the bidding, responding, or
23 contracting entity in excess of 1%, (ii) executive employees of
24 the bidding, responding, or contracting entity, and (iii) the
25 spouse and minor children of any such persons.

26 "Affiliated entity" means (i) any parent or subsidiary of

1 the bidding or contracting entity, (ii) any member of the same
2 unitary business group, or (iii) any political committee for
3 which the bidding, responding, or contracting entity is the
4 sponsoring entity.

5 (d) The Gaming Board may direct the Authority or a casino
6 operator licensee to void a contract if a violation of this
7 Section occurs. The Authority may direct a casino operator
8 licensee to void a contract if a violation of this Section
9 occurs.

10 (e) All contracts pertaining to the actual operation of the
11 casino and related gaming activities shall be entered into by
12 the casino operator licensee and not the Authority.

13 Section 1-115. Purchasing.

14 (a) All construction contracts and contracts for supplies,
15 materials, equipment, and services, when the cost thereof to
16 the Authority or its agent exceeds the small purchase amount
17 set by the Illinois Procurement Code, shall be let by a
18 competitive selection process pursuant to the procedures of one
19 of the following as applicable: Article 20, 30, 33, or 35 of
20 the Illinois Procurement Code.

21 (b) All contracts involving less than the small purchase
22 amount set by the Illinois Procurement Code shall be let by
23 competitive selection process whenever possible, and in any
24 event in a manner calculated to ensure the best interests of
25 the public.

1 (c) In determining the responsibility of any proposer, the
2 Authority shall take into account the responsibility factors
3 enumerated in Section 1.2046 of Title 44 of the Illinois
4 Administrative Code including the proposer's (or an individual
5 having a beneficial interest, directly or indirectly, of more
6 than 1% in such proposing entity) past record of dealings with
7 the Authority, the proposer's experience, adequacy of
8 equipment, and ability to complete performance within the time
9 set, and other factors besides financial responsibility. No
10 such contract shall be awarded to any proposer other than the
11 lowest proposer (in case of purchase or expenditure) unless
12 authorized or approved by a vote of at least 3 members of the
13 Board and such action is accompanied by a written statement
14 setting forth the reasons for not awarding the contract to the
15 highest or lowest proposer, as the case may be. The statement
16 shall be kept on file in the principal office of the Authority
17 and open to public inspection.

18 (d) The Authority shall have the right to reject all
19 proposals and to re-advertise for proposals. If after any such
20 re-advertisement, no proposals meet the mandatory minimum
21 requirements within the terms of the original bid or the
22 re-advertisement, the Authority may award such contract
23 without competitive selection, provided that the Gaming Board
24 must approve the contract prior to its execution. The contract
25 must not be less advantageous to the Authority than any valid
26 proposal received pursuant to advertisement.

1 (e) Advertisements for proposals and re-proposals shall be
2 published at least once in a daily newspaper of general
3 circulation published in the City at least 10 calendar days
4 before the time for receiving proposals in an online bulletin
5 published on the Authority's website and in the Illinois
6 Procurement Bulletin. Such advertisements shall state the time
7 and place for receiving and opening of proposals and, by
8 reference to plans and specifications on file at the time of
9 the first publication or in the advertisement itself, shall
10 describe the character of the proposed contract in sufficient
11 detail to fully advise prospective proposers of their
12 obligations and to ensure free and open competitive selection.

13 (f) All proposals in response to advertisements shall be
14 sealed and shall be publicly opened by the Authority. All
15 proposers shall be entitled to be present in person or by
16 representatives at bid opening. Cash or a certified or
17 satisfactory cashier's check, as a deposit of good faith, in a
18 reasonable amount to be fixed by the Authority before
19 advertising for proposals, shall be required with the proposal.
20 A bond for faithful performance of the contract with surety or
21 sureties satisfactory to the Authority and adequate insurance
22 may be required in reasonable amounts to be fixed by the
23 Authority before advertising for proposals.

24 (g) The contract shall be awarded as promptly as possible
25 after the opening of proposals. The proposal of the successful
26 proposer, as well as the bids of the unsuccessful proposers,

1 shall be placed on file and be open to public inspection
2 subject to the exemptions from disclosure provided under
3 Section 7 of the Freedom of Information Act. All proposals
4 shall be void if any disclosure of the terms of any proposals
5 in response to an advertisement is made or permitted to be made
6 by the Authority before the time fixed for opening proposals.

7 (h) Notice of each and every contract that is offered,
8 including renegotiated contracts and change orders, shall be
9 published in an online bulletin and the appropriate Illinois
10 Procurement Bulletin. The online bulletin must include at least
11 the date first offered, the date submission of offers is due,
12 the location that offers are to be submitted to, a brief
13 purchase description, the method of source selection,
14 information of how to obtain a comprehensive purchase
15 description and any disclosure and contract forms, and
16 encouragement to prospective vendors to hire qualified
17 veterans, as defined by Section 45-67 of the Illinois
18 Procurement Code, and Illinois residents discharged from any
19 Illinois adult correctional center subject to Gaming Board
20 licensing and eligibility rules. Notice of each and every
21 contract that is let or awarded, including renegotiated
22 contracts and change orders, shall be published in the online
23 bulletin and must include at least all of the information
24 specified in this subsection (h), as well as the name of the
25 successful responsible proposer or offeror, the contract
26 price, and the number of unsuccessful responsive proposers and

1 any other disclosure specified in this Section. This notice
2 must be posted in the online electronic bulletin prior to
3 execution of the contract.

4 (i) The Gaming Board shall act as Chief Procurement Officer
5 for the Authority.

6 Section 1-130. Affirmative action and equal opportunity
7 obligations of Authority.

8 (a) The Authority is subject to the requirements of Article
9 IV of Chapter 2-92 (Sections 2-92-650 through 2-92-720
10 inclusive) of the Chicago Municipal Code, as now or hereafter
11 amended, renumbered, or succeeded, concerning a Minority-Owned
12 and Women-Owned Business Enterprise Procurement Program for
13 construction contracts, and Section 2-92-420 et seq. of the
14 Chicago Municipal Code, as now or hereafter amended,
15 renumbered, or succeeded, concerning a Minority-Owned and
16 Women-Owned Business Enterprise Procurement Program to
17 determine the status of a firm as a Minority Business
18 Enterprise for city procurement purposes.

19 (b) The Authority is authorized to enter into agreements
20 with contractors' associations, labor unions, and the
21 contractors working on the development of the casino to
22 establish an apprenticeship preparedness training program to
23 provide for an increase in the number of minority and female
24 journeymen and apprentices in the building trades and to enter
25 into agreements with community college districts or other

1 public or private institutions to provide readiness training.
2 The Authority is further authorized to enter into contracts
3 with public and private educational institutions and persons in
4 the gaming, entertainment, hospitality, and tourism industries
5 to provide training for employment in those industries.

6 Section 1-135. Transfer of interest. Neither the Authority
7 nor the City may sell, lease, rent, transfer, exchange, or
8 otherwise convey any interest that they have in the casino
9 without prior approval of the General Assembly.

10 Section 1-140. Home rule. The regulation and licensing of
11 casinos and casino gaming, casino gaming facilities, and casino
12 operator licensees under this Act are exclusive powers and
13 functions of the State. A home rule unit may not regulate or
14 license casinos, casino gaming, casino gaming facilities, or
15 casino operator licensees under this Act, except as provided
16 under this Act. This Section is a denial and limitation of home
17 rule powers and functions under subsection (h) of Section 6 of
18 Article VII of the Illinois Constitution.

19 ARTICLE 90.

20 Section 90-1. Findings. The General Assembly makes all of
21 the following findings:

22 (1) That more than 50 municipalities and 5 counties

1 have opted out of video gaming legislation that was enacted
2 by the 96th General Assembly as Public Act 96-34, and
3 revenues for the State's newly approved capital
4 construction program are on track to fall short of
5 projections.

6 (2) That these shortfalls could postpone much-needed
7 road construction, school construction, and other
8 infrastructure improvements.

9 (3) That the State likely will wait a year or more,
10 until video gaming is licensed, organized, and online, to
11 realize meaningful revenue from the program.

12 (4) That a significant infusion of new revenue is
13 necessary to ensure that those projects, which are
14 fundamental to the State's economic recovery, proceed as
15 planned.

16 (5) That the decline of the Illinois horse racing and
17 breeding program, a \$2.5 billion industry, would be
18 reversed if this amendatory Act of the 97th General
19 Assembly would be enacted.

20 (6) That the Illinois horse racing industry is on the
21 verge of extinction due to fierce competition from fully
22 developed horse racing and gaming operations in other
23 states.

24 (7) That Illinois lawmakers agreed in 1999 to earmark
25 15% of the forthcoming 10th riverboat's revenue for horse
26 racing; however, the 10th riverboat did not become

1 operational until July, 2011.

2 (8) That allowing the State's horse racing venues,
3 currently licensed gaming destinations, to maximize their
4 capacities with gaming machines, would generate up to \$120
5 million to \$200 million for the State in the form of extra
6 licensing fees, plus an additional \$100 million to \$300
7 million in recurring annual tax revenue for the State to
8 help ensure that school, road, and other building projects
9 promised under the capital plan occur on schedule.

10 (9) That Illinois agriculture and other businesses
11 that support and supply the horse racing industry, already
12 a sector that employs over 37,000 Illinoisans, also stand
13 to substantially benefit and would be much more likely to
14 create additional jobs should Illinois horse racing once
15 again become competitive with other states.

16 (10) That by keeping these projects on track, the State
17 can be sure that significant job and economic growth will
18 in fact result from the previously enacted legislation.

19 (11) That gaming machines at Illinois horse racing
20 tracks would create an estimated 1,200 to 1,500 permanent
21 jobs, and an estimated capital investment of up to \$200
22 million to \$400 million at these race tracks would prompt
23 additional trade organization jobs necessary to construct
24 new facilities or remodel race tracks to operate electronic
25 gaming.

1 Section 90-3. The State Officials and Employees Ethics Act
2 is amended by changing Sections 5-45, and 20-10 as follows:

3 (5 ILCS 430/5-45)

4 Sec. 5-45. Procurement; revolving door prohibition.

5 (a) No former officer, member, or State employee, or spouse
6 or immediate family member living with such person, shall,
7 within a period of one year immediately after termination of
8 State employment, knowingly accept employment or receive
9 compensation or fees for services from a person or entity if
10 the officer, member, or State employee, during the year
11 immediately preceding termination of State employment,
12 participated personally and substantially in the award of State
13 contracts, or the issuance of State contract change orders,
14 with a cumulative value of \$25,000 or more to the person or
15 entity, or its parent or subsidiary.

16 (b) No former officer of the executive branch or State
17 employee of the executive branch with regulatory or licensing
18 authority, or spouse or immediate family member living with
19 such person, shall, within a period of one year immediately
20 after termination of State employment, knowingly accept
21 employment or receive compensation or fees for services from a
22 person or entity if the officer or State employee, during the
23 year immediately preceding termination of State employment,
24 participated personally and substantially in making a
25 regulatory or licensing decision that directly applied to the

1 person or entity, or its parent or subsidiary.

2 (c) Within 6 months after the effective date of this
3 amendatory Act of the 96th General Assembly, each executive
4 branch constitutional officer and legislative leader, the
5 Auditor General, and the Joint Committee on Legislative Support
6 Services shall adopt a policy delineating which State positions
7 under his or her jurisdiction and control, by the nature of
8 their duties, may have the authority to participate personally
9 and substantially in the award of State contracts or in
10 regulatory or licensing decisions. The Governor shall adopt
11 such a policy for all State employees of the executive branch
12 not under the jurisdiction and control of any other executive
13 branch constitutional officer.

14 The policies required under subsection (c) of this Section
15 shall be filed with the appropriate ethics commission
16 established under this Act or, for the Auditor General, with
17 the Office of the Auditor General.

18 (d) Each Inspector General shall have the authority to
19 determine that additional State positions under his or her
20 jurisdiction, not otherwise subject to the policies required by
21 subsection (c) of this Section, are nonetheless subject to the
22 notification requirement of subsection (f) below due to their
23 involvement in the award of State contracts or in regulatory or
24 licensing decisions.

25 (e) The Joint Committee on Legislative Support Services,
26 the Auditor General, and each of the executive branch

1 constitutional officers and legislative leaders subject to
2 subsection (c) of this Section shall provide written
3 notification to all employees in positions subject to the
4 policies required by subsection (c) or a determination made
5 under subsection (d): (1) upon hiring, promotion, or transfer
6 into the relevant position; and (2) at the time the employee's
7 duties are changed in such a way as to qualify that employee.
8 An employee receiving notification must certify in writing that
9 the person was advised of the prohibition and the requirement
10 to notify the appropriate Inspector General in subsection (f).

11 (f) Any State employee in a position subject to the
12 policies required by subsection (c) or to a determination under
13 subsection (d), but who does not fall within the prohibition of
14 subsection (h) below, who is offered non-State employment
15 during State employment or within a period of one year
16 immediately after termination of State employment shall, prior
17 to accepting such non-State employment, notify the appropriate
18 Inspector General. Within 10 calendar days after receiving
19 notification from an employee in a position subject to the
20 policies required by subsection (c), such Inspector General
21 shall make a determination as to whether the State employee is
22 restricted from accepting such employment by subsection (a) or
23 (b). In making a determination, in addition to any other
24 relevant information, an Inspector General shall assess the
25 effect of the prospective employment or relationship upon
26 decisions referred to in subsections (a) and (b), based on the

1 totality of the participation by the former officer, member, or
2 State employee in those decisions. A determination by an
3 Inspector General must be in writing, signed and dated by the
4 Inspector General, and delivered to the subject of the
5 determination within 10 calendar days or the person is deemed
6 eligible for the employment opportunity. For purposes of this
7 subsection, "appropriate Inspector General" means (i) for
8 members and employees of the legislative branch, the
9 Legislative Inspector General; (ii) for the Auditor General and
10 employees of the Office of the Auditor General, the Inspector
11 General provided for in Section 30-5 of this Act; and (iii) for
12 executive branch officers and employees, the Inspector General
13 having jurisdiction over the officer or employee. Notice of any
14 determination of an Inspector General and of any such appeal
15 shall be given to the ultimate jurisdictional authority, the
16 Attorney General, and the Executive Ethics Commission.

17 (g) An Inspector General's determination regarding
18 restrictions under subsection (a) or (b) may be appealed to the
19 appropriate Ethics Commission by the person subject to the
20 decision or the Attorney General no later than the 10th
21 calendar day after the date of the determination.

22 On appeal, the Ethics Commission or Auditor General shall
23 seek, accept, and consider written public comments regarding a
24 determination. In deciding whether to uphold an Inspector
25 General's determination, the appropriate Ethics Commission or
26 Auditor General shall assess, in addition to any other relevant

1 information, the effect of the prospective employment or
2 relationship upon the decisions referred to in subsections (a)
3 and (b), based on the totality of the participation by the
4 former officer, member, or State employee in those decisions.
5 The Ethics Commission shall decide whether to uphold an
6 Inspector General's determination within 10 calendar days or
7 the person is deemed eligible for the employment opportunity.

8 (h) The following officers, members, or State employees
9 shall not, within a period of one year immediately after
10 termination of office or State employment, knowingly accept
11 employment or receive compensation or fees for services from a
12 person or entity if the person or entity or its parent or
13 subsidiary, during the year immediately preceding termination
14 of State employment, was a party to a State contract or
15 contracts with a cumulative value of \$25,000 or more involving
16 the officer, member, or State employee's State agency, or was
17 the subject of a regulatory or licensing decision involving the
18 officer, member, or State employee's State agency, regardless
19 of whether he or she participated personally and substantially
20 in the award of the State contract or contracts or the making
21 of the regulatory or licensing decision in question:

22 (1) members or officers;

23 (2) members of a commission or board created by the
24 Illinois Constitution;

25 (3) persons whose appointment to office is subject to
26 the advice and consent of the Senate;

1 (4) the head of a department, commission, board,
2 division, bureau, authority, or other administrative unit
3 within the government of this State;

4 (5) chief procurement officers, State purchasing
5 officers, and their designees whose duties are directly
6 related to State procurement; ~~and~~

7 (6) chiefs of staff, deputy chiefs of staff, associate
8 chiefs of staff, assistant chiefs of staff, and deputy
9 governors;~~-~~

10 (7) employees of the Illinois Racing Board; and

11 (8) employees of the Illinois Gaming Board.

12 (Source: P.A. 96-555, eff. 8-18-09.)

13 (5 ILCS 430/20-10)

14 Sec. 20-10. Offices of Executive Inspectors General.

15 (a) ~~Six~~ Five independent Offices of the Executive Inspector
16 General are created, one each for the Governor, the Attorney
17 General, the Secretary of State, the Comptroller, and the
18 Treasurer and one for gaming activities. Each Office shall be
19 under the direction and supervision of an Executive Inspector
20 General and shall be a fully independent office with separate
21 appropriations.

22 (b) The Governor, Attorney General, Secretary of State,
23 Comptroller, and Treasurer shall each appoint an Executive
24 Inspector General, and the Governor shall appoint an Executive
25 Inspector General for gaming activities. Each appointment must

1 be madewithout regard to political affiliation and solely on
2 the basis of integrity and demonstrated ability. Appointments
3 shall be made by and with the advice and consent of the Senate
4 by three-fifths of the elected members concurring by record
5 vote. Any nomination not acted upon by the Senate within 60
6 session days of the receipt thereof shall be deemed to have
7 received the advice and consent of the Senate. If, during a
8 recess of the Senate, there is a vacancy in an office of
9 Executive Inspector General, the appointing authority shall
10 make a temporary appointment until the next meeting of the
11 Senate when the appointing authority shall make a nomination to
12 fill that office. No person rejected for an office of Executive
13 Inspector General shall, except by the Senate's request, be
14 nominated again for that office at the same session of the
15 Senate or be appointed to that office during a recess of that
16 Senate.

17 Nothing in this Article precludes the appointment by the
18 Governor, Attorney General, Secretary of State, Comptroller,
19 or Treasurer of any other inspector general required or
20 permitted by law. The Governor, Attorney General, Secretary of
21 State, Comptroller, and Treasurer each may appoint an existing
22 inspector general as the Executive Inspector General required
23 by this Article, provided that such an inspector general is not
24 prohibited by law, rule, jurisdiction, qualification, or
25 interest from serving as the Executive Inspector General
26 required by this Article. An appointing authority may not

1 appoint a relative as an Executive Inspector General.

2 Each Executive Inspector General shall have the following
3 qualifications:

4 (1) has not been convicted of any felony under the laws
5 of this State, another State, or the United States;

6 (2) has earned a baccalaureate degree from an
7 institution of higher education; and

8 (3) has 5 or more years of cumulative service (A) with
9 a federal, State, or local law enforcement agency, at least
10 2 years of which have been in a progressive investigatory
11 capacity; (B) as a federal, State, or local prosecutor; (C)
12 as a senior manager or executive of a federal, State, or
13 local agency; (D) as a member, an officer, or a State or
14 federal judge; or (E) representing any combination of (A)
15 through (D).

16 The term of each initial Executive Inspector General shall
17 commence upon qualification and shall run through June 30,
18 2008. The initial appointments shall be made within 60 days
19 after the effective date of this Act.

20 After the initial term, each Executive Inspector General
21 shall serve for 5-year terms commencing on July 1 of the year
22 of appointment and running through June 30 of the fifth
23 following year. An Executive Inspector General may be
24 reappointed to one or more subsequent terms.

25 A vacancy occurring other than at the end of a term shall
26 be filled by the appointing authority only for the balance of

1 the term of the Executive Inspector General whose office is
2 vacant.

3 Terms shall run regardless of whether the position is
4 filled.

5 (c) The Executive Inspector General appointed by the
6 Attorney General shall have jurisdiction over the Attorney
7 General and all officers and employees of, and vendors and
8 others doing business with, State agencies within the
9 jurisdiction of the Attorney General. The Executive Inspector
10 General appointed by the Secretary of State shall have
11 jurisdiction over the Secretary of State and all officers and
12 employees of, and vendors and others doing business with, State
13 agencies within the jurisdiction of the Secretary of State. The
14 Executive Inspector General appointed by the Comptroller shall
15 have jurisdiction over the Comptroller and all officers and
16 employees of, and vendors and others doing business with, State
17 agencies within the jurisdiction of the Comptroller. The
18 Executive Inspector General appointed by the Treasurer shall
19 have jurisdiction over the Treasurer and all officers and
20 employees of, and vendors and others doing business with, State
21 agencies within the jurisdiction of the Treasurer. The
22 Executive Inspector General appointed by the Governor shall
23 have jurisdiction over (i) the Governor, (ii) the Lieutenant
24 Governor, (iii) all officers and employees of, and vendors and
25 others doing business with, executive branch State agencies
26 under the jurisdiction of the Executive Ethics Commission and

1 not within the jurisdiction of the Attorney General, the
2 Secretary of State, the Comptroller, ~~or~~ the Treasurer, or the
3 Executive Inspector General for gaming activities, and (iv) all
4 board members and employees of the Regional Transit Boards and
5 all vendors and others doing business with the Regional Transit
6 Boards. The Executive Inspector General for gaming activities
7 appointed by the Governor has exclusive jurisdiction over the
8 Illinois Gaming Board, all officers and employees of the
9 Illinois Gaming Board, and all activities of the Illinois
10 Gaming Board.

11 The jurisdiction of each Executive Inspector General is to
12 investigate allegations of fraud, waste, abuse, mismanagement,
13 misconduct, nonfeasance, misfeasance, malfeasance, or
14 violations of this Act or violations of other related laws and
15 rules.

16 (d) The compensation for each Executive Inspector General
17 shall be determined by the Executive Ethics Commission and
18 shall be made from appropriations made to the Comptroller for
19 this purpose. Subject to Section 20-45 of this Act, each
20 Executive Inspector General has full authority to organize his
21 or her Office of the Executive Inspector General, including the
22 employment and determination of the compensation of staff, such
23 as deputies, assistants, and other employees, as
24 appropriations permit. A separate appropriation shall be made
25 for each Office of Executive Inspector General.

26 (e) No Executive Inspector General or employee of the

1 Office of the Executive Inspector General may, during his or
2 her term of appointment or employment:

3 (1) become a candidate for any elective office;

4 (2) hold any other elected or appointed public office
5 except for appointments on governmental advisory boards or
6 study commissions or as otherwise expressly authorized by
7 law;

8 (3) be actively involved in the affairs of any
9 political party or political organization; or

10 (4) advocate for the appointment of another person to
11 an appointed or elected office or position or actively
12 participate in any campaign for any elective office.

13 In this subsection an appointed public office means a
14 position authorized by law that is filled by an appointing
15 authority as provided by law and does not include employment by
16 hiring in the ordinary course of business.

17 (e-1) No Executive Inspector General or employee of the
18 Office of the Executive Inspector General may, for one year
19 after the termination of his or her appointment or employment:

20 (1) become a candidate for any elective office;

21 (2) hold any elected public office; or

22 (3) hold any appointed State, county, or local judicial
23 office.

24 (e-2) The requirements of item (3) of subsection (e-1) may
25 be waived by the Executive Ethics Commission.

26 (f) An Executive Inspector General may be removed only for

1 cause and may be removed only by the appointing ~~constitutional~~
2 officer. At the time of the removal, the appointing
3 ~~constitutional~~ officer must report to the Executive Ethics
4 Commission the justification for the removal.

5 (Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11.)

6 Section 90-5. The Alcoholism and Other Drug Abuse and
7 Dependency Act is amended by changing Section 5-20 as follows:

8 (20 ILCS 301/5-20)

9 Sec. 5-20. Compulsive gambling program.

10 (a) Subject to appropriation, the Department shall
11 establish a program for public education, research, and
12 training regarding problem and compulsive gambling and the
13 treatment and prevention of problem and compulsive gambling.
14 Subject to specific appropriation for these stated purposes,
15 the program must include all of the following:

16 (1) Establishment and maintenance of a toll-free "800"
17 telephone number to provide crisis counseling and referral
18 services to families experiencing difficulty as a result of
19 problem or compulsive gambling.

20 (2) Promotion of public awareness regarding the
21 recognition and prevention of problem and compulsive
22 gambling.

23 (3) Facilitation, through in-service training and
24 other means, of the availability of effective assistance

1 programs for problem and compulsive gamblers.

2 (4) Conducting studies to identify adults and
3 juveniles in this State who are, or who are at risk of
4 becoming, problem or compulsive gamblers.

5 (b) Subject to appropriation, the Department shall either
6 establish and maintain the program or contract with a private
7 or public entity for the establishment and maintenance of the
8 program. Subject to appropriation, either the Department or the
9 private or public entity shall implement the toll-free
10 telephone number, promote public awareness, and conduct
11 in-service training concerning problem and compulsive
12 gambling.

13 (c) Subject to appropriation, the Department shall produce
14 and supply the signs specified in Section 10.7 of the Illinois
15 Lottery Law, Section 34.1 of the Illinois Horse Racing Act of
16 1975, Section 4.3 of the Bingo License and Tax Act, Section 8.1
17 of the Charitable Games Act, and Section 13.1 of the Illinois
18 ~~Riverboat~~ Gambling Act.

19 (Source: P.A. 89-374, eff. 1-1-96; 89-626, eff. 8-9-96.)

20 Section 90-7. The Department of Commerce and Economic
21 Opportunity Law of the Civil Administrative Code of Illinois is
22 amended by adding Section 605-530 as follows:

23 (20 ILCS 605/605-530 new)

24 Sec. 605-530. The Depressed Communities Economic

1 Development Board.

2 (a) The Depressed Communities Economic Development Board
3 is created as an advisory board within the Department of
4 Commerce and Economic Opportunity. The Board shall consist of 8
5 members appointed by the Governor, 4 of whom are appointed to
6 serve an initial term of one year and 4 of whom are appointed
7 to serve an initial term of 2 years with one being designated
8 as chair of the Board at the time of appointment. The members
9 of the Board shall reflect the composition of the Illinois
10 population with regard to ethnic and racial composition.

11 After the initial terms, each member shall be appointed to
12 serve a term of 2 years and until his or her successor has been
13 appointed and assumes office. If a vacancy occurs in the Board
14 membership, then the vacancy shall be filled in the same manner
15 as the initial appointment. No member of the Board shall, at
16 the time of his or her appointment or within 2 years before the
17 appointment, hold elected office or be appointed to a State
18 board, commission, or agency. All Board members are subject to
19 the State Officials and Employees Ethics Act.

20 (b) Board members shall serve without compensation, but may
21 be reimbursed for their reasonable travel expenses from funds
22 available for that purpose. The Department of Commerce and
23 Economic Opportunity shall provide staff and administrative
24 support services to the Board.

25 (c) The Board must make recommendations, which must be
26 approved by a majority of the Board, to the Department of

1 Commerce and Economic Opportunity concerning the award of
2 grants from amounts appropriated to the Department from the
3 Depressed Communities Economic Development Fund, a special
4 fund created in the State treasury. The Department must make
5 grants to public or private entities submitting proposals to
6 the Board to revitalize an Illinois depressed community. Grants
7 may be used by these entities only for those purposes
8 conditioned with the grant. For the purposes of this subsection
9 (c), plans for revitalizing an Illinois depressed community
10 include plans intended to curb high levels of poverty,
11 unemployment, job and population loss, and general distress. An
12 Illinois depressed community is an area where the poverty rate,
13 as determined by using the most recent data released by the
14 United States Census Bureau, is at least 3% greater than the
15 State poverty rate as determined by using the most recent data
16 released by the United States Census Bureau.

17 Section 90-8. The Illinois Lottery Law is amended by
18 changing Section 9.1 as follows:

19 (20 ILCS 1605/9.1)

20 Sec. 9.1. Private manager and management agreement.

21 (a) As used in this Section:

22 "Offeror" means a person or group of persons that responds
23 to a request for qualifications under this Section.

24 "Request for qualifications" means all materials and

1 documents prepared by the Department to solicit the following
2 from offerors:

3 (1) Statements of qualifications.

4 (2) Proposals to enter into a management agreement,
5 including the identity of any prospective vendor or vendors
6 that the offeror intends to initially engage to assist the
7 offeror in performing its obligations under the management
8 agreement.

9 "Final offer" means the last proposal submitted by an
10 offeror in response to the request for qualifications,
11 including the identity of any prospective vendor or vendors
12 that the offeror intends to initially engage to assist the
13 offeror in performing its obligations under the management
14 agreement.

15 "Final offeror" means the offeror ultimately selected by
16 the Governor to be the private manager for the Lottery under
17 subsection (h) of this Section.

18 (b) By September 15, 2010, the Governor shall select a
19 private manager for the total management of the Lottery with
20 integrated functions, such as lottery game design, supply of
21 goods and services, and advertising and as specified in this
22 Section.

23 (c) Pursuant to the terms of this subsection, the
24 Department shall endeavor to expeditiously terminate the
25 existing contracts in support of the Lottery in effect on the
26 effective date of this amendatory Act of the 96th General

1 Assembly in connection with the selection of the private
2 manager. As part of its obligation to terminate these contracts
3 and select the private manager, the Department shall establish
4 a mutually agreeable timetable to transfer the functions of
5 existing contractors to the private manager so that existing
6 Lottery operations are not materially diminished or impaired
7 during the transition. To that end, the Department shall do the
8 following:

9 (1) where such contracts contain a provision
10 authorizing termination upon notice, the Department shall
11 provide notice of termination to occur upon the mutually
12 agreed timetable for transfer of functions;

13 (2) upon the expiration of any initial term or renewal
14 term of the current Lottery contracts, the Department shall
15 not renew such contract for a term extending beyond the
16 mutually agreed timetable for transfer of functions; or

17 (3) in the event any current contract provides for
18 termination of that contract upon the implementation of a
19 contract with the private manager, the Department shall
20 perform all necessary actions to terminate the contract on
21 the date that coincides with the mutually agreed timetable
22 for transfer of functions.

23 If the contracts to support the current operation of the
24 Lottery in effect on the effective date of this amendatory Act
25 of the 96th General Assembly are not subject to termination as
26 provided for in this subsection (c), then the Department may

1 include a provision in the contract with the private manager
2 specifying a mutually agreeable methodology for incorporation.

3 (c-5) The Department shall include provisions in the
4 management agreement whereby the private manager shall, for a
5 fee, and pursuant to a contract negotiated with the Department
6 (the "Employee Use Contract"), utilize the services of current
7 Department employees to assist in the administration and
8 operation of the Lottery. The Department shall be the employer
9 of all such bargaining unit employees assigned to perform such
10 work for the private manager, and such employees shall be State
11 employees, as defined by the Personnel Code. Department
12 employees shall operate under the same employment policies,
13 rules, regulations, and procedures, as other employees of the
14 Department. In addition, neither historical representation
15 rights under the Illinois Public Labor Relations Act, nor
16 existing collective bargaining agreements, shall be disturbed
17 by the management agreement with the private manager for the
18 management of the Lottery.

19 (d) The management agreement with the private manager shall
20 include all of the following:

21 (1) A term not to exceed 10 years, including any
22 renewals.

23 (2) A provision specifying that the Department:

24 (A) shall exercise actual control over all
25 significant business decisions;

26 (A-5) has the authority to direct or countermand

1 operating decisions by the private manager at any time;

2 (B) has ready access at any time to information
3 regarding Lottery operations;

4 (C) has the right to demand and receive information
5 from the private manager concerning any aspect of the
6 Lottery operations at any time; and

7 (D) retains ownership of all trade names,
8 trademarks, and intellectual property associated with
9 the Lottery.

10 (3) A provision imposing an affirmative duty on the
11 private manager to provide the Department with material
12 information and with any information the private manager
13 reasonably believes the Department would want to know to
14 enable the Department to conduct the Lottery.

15 (4) A provision requiring the private manager to
16 provide the Department with advance notice of any operating
17 decision that bears significantly on the public interest,
18 including, but not limited to, decisions on the kinds of
19 games to be offered to the public and decisions affecting
20 the relative risk and reward of the games being offered, so
21 the Department has a reasonable opportunity to evaluate and
22 countermand that decision.

23 (5) A provision providing for compensation of the
24 private manager that may consist of, among other things, a
25 fee for services and a performance based bonus as
26 consideration for managing the Lottery, including terms

1 that may provide the private manager with an increase in
2 compensation if Lottery revenues grow by a specified
3 percentage in a given year.

4 (6) (Blank).

5 (7) A provision requiring the deposit of all Lottery
6 proceeds to be deposited into the State Lottery Fund except
7 as otherwise provided in Section 20 of this Act.

8 (8) A provision requiring the private manager to locate
9 its principal office within the State.

10 (8-5) A provision encouraging that at least 20% of the
11 cost of contracts entered into for goods and services by
12 the private manager in connection with its management of
13 the Lottery, other than contracts with sales agents or
14 technical advisors, be awarded to businesses that are a
15 minority owned business, a female owned business, or a
16 business owned by a person with disability, as those terms
17 are defined in the Business Enterprise for Minorities,
18 Females, and Persons with Disabilities Act.

19 (9) A requirement that so long as the private manager
20 complies with all the conditions of the agreement under the
21 oversight of the Department, the private manager shall have
22 the following duties and obligations with respect to the
23 management of the Lottery:

24 (A) The right to use equipment and other assets
25 used in the operation of the Lottery.

26 (B) The rights and obligations under contracts

1 with retailers and vendors.

2 (C) The implementation of a comprehensive security
3 program by the private manager.

4 (D) The implementation of a comprehensive system
5 of internal audits.

6 (E) The implementation of a program by the private
7 manager to curb compulsive gambling by persons playing
8 the Lottery.

9 (F) A system for determining (i) the type of
10 Lottery games, (ii) the method of selecting winning
11 tickets, (iii) the manner of payment of prizes to
12 holders of winning tickets, (iv) the frequency of
13 drawings of winning tickets, (v) the method to be used
14 in selling tickets, (vi) a system for verifying the
15 validity of tickets claimed to be winning tickets,
16 (vii) the basis upon which retailer commissions are
17 established by the manager, and (viii) minimum
18 payouts.

19 (10) A requirement that advertising and promotion must
20 be consistent with Section 7.8a of this Act.

21 (11) A requirement that the private manager market the
22 Lottery to those residents who are new, infrequent, or
23 lapsed players of the Lottery, especially those who are
24 most likely to make regular purchases on the Internet as
25 permitted by law.

26 (12) A code of ethics for the private manager's

1 officers and employees.

2 (13) A requirement that the Department monitor and
3 oversee the private manager's practices and take action
4 that the Department considers appropriate to ensure that
5 the private manager is in compliance with the terms of the
6 management agreement, while allowing the manager, unless
7 specifically prohibited by law or the management
8 agreement, to negotiate and sign its own contracts with
9 vendors.

10 (14) A provision requiring the private manager to
11 periodically file, at least on an annual basis, appropriate
12 financial statements in a form and manner acceptable to the
13 Department.

14 (15) Cash reserves requirements.

15 (16) Procedural requirements for obtaining the prior
16 approval of the Department when a management agreement or
17 an interest in a management agreement is sold, assigned,
18 transferred, or pledged as collateral to secure financing.

19 (17) Grounds for the termination of the management
20 agreement by the Department or the private manager.

21 (18) Procedures for amendment of the agreement.

22 (19) A provision requiring the private manager to
23 engage in an open and competitive bidding process for any
24 procurement having a cost in excess of \$50,000 that is not
25 a part of the private manager's final offer. The process
26 shall favor the selection of a vendor deemed to have

1 submitted a proposal that provides the Lottery with the
2 best overall value. The process shall not be subject to the
3 provisions of the Illinois Procurement Code, unless
4 specifically required by the management agreement.

5 (20) The transition of rights and obligations,
6 including any associated equipment or other assets used in
7 the operation of the Lottery, from the manager to any
8 successor manager of the lottery, including the
9 Department, following the termination of or foreclosure
10 upon the management agreement.

11 (21) Right of use of copyrights, trademarks, and
12 service marks held by the Department in the name of the
13 State. The agreement must provide that any use of them by
14 the manager shall only be for the purpose of fulfilling its
15 obligations under the management agreement during the term
16 of the agreement.

17 (22) The disclosure of any information requested by the
18 Department to enable it to comply with the reporting
19 requirements and information requests provided for under
20 subsection (p) of this Section.

21 (e) Notwithstanding any other law to the contrary, the
22 Department shall select a private manager through a competitive
23 request for qualifications process consistent with Section
24 20-35 of the Illinois Procurement Code, which shall take into
25 account:

26 (1) the offeror's ability to market the Lottery to

1 those residents who are new, infrequent, or lapsed players
2 of the Lottery, especially those who are most likely to
3 make regular purchases on the Internet;

4 (2) the offeror's ability to address the State's
5 concern with the social effects of gambling on those who
6 can least afford to do so;

7 (3) the offeror's ability to provide the most
8 successful management of the Lottery for the benefit of the
9 people of the State based on current and past business
10 practices or plans of the offeror; and

11 (4) the offeror's poor or inadequate past performance
12 in servicing, equipping, operating or managing a lottery on
13 behalf of Illinois, another State or foreign government and
14 attracting persons who are not currently regular players of
15 a lottery.

16 (f) The Department may retain the services of an advisor or
17 advisors with significant experience in financial services or
18 the management, operation, and procurement of goods, services,
19 and equipment for a government-run lottery to assist in the
20 preparation of the terms of the request for qualifications and
21 selection of the private manager. Any prospective advisor
22 seeking to provide services under this subsection (f) shall
23 disclose any material business or financial relationship
24 during the past 3 years with any potential offeror, or with a
25 contractor or subcontractor presently providing goods,
26 services, or equipment to the Department to support the

1 Lottery. The Department shall evaluate the material business or
2 financial relationship of each prospective advisor. The
3 Department shall not select any prospective advisor with a
4 substantial business or financial relationship that the
5 Department deems to impair the objectivity of the services to
6 be provided by the prospective advisor. During the course of
7 the advisor's engagement by the Department, and for a period of
8 one year thereafter, the advisor shall not enter into any
9 business or financial relationship with any offeror or any
10 vendor identified to assist an offeror in performing its
11 obligations under the management agreement. Any advisor
12 retained by the Department shall be disqualified from being an
13 offeror. The Department shall not include terms in the request
14 for qualifications that provide a material advantage whether
15 directly or indirectly to any potential offeror, or any
16 contractor or subcontractor presently providing goods,
17 services, or equipment to the Department to support the
18 Lottery, including terms contained in previous responses to
19 requests for proposals or qualifications submitted to
20 Illinois, another State or foreign government when those terms
21 are uniquely associated with a particular potential offeror,
22 contractor, or subcontractor. The request for proposals
23 offered by the Department on December 22, 2008 as
24 "LOT08GAMESYS" and reference number "22016176" is declared
25 void.

26 (g) The Department shall select at least 2 offerors as

1 finalists to potentially serve as the private manager no later
2 than August 9, 2010. Upon making preliminary selections, the
3 Department shall schedule a public hearing on the finalists'
4 proposals and provide public notice of the hearing at least 7
5 calendar days before the hearing. The notice must include all
6 of the following:

7 (1) The date, time, and place of the hearing.

8 (2) The subject matter of the hearing.

9 (3) A brief description of the management agreement to
10 be awarded.

11 (4) The identity of the offerors that have been
12 selected as finalists to serve as the private manager.

13 (5) The address and telephone number of the Department.

14 (h) At the public hearing, the Department shall (i) provide
15 sufficient time for each finalist to present and explain its
16 proposal to the Department and the Governor or the Governor's
17 designee, including an opportunity to respond to questions
18 posed by the Department, Governor, or designee and (ii) allow
19 the public and non-selected offerors to comment on the
20 presentations. The Governor or a designee shall attend the
21 public hearing. After the public hearing, the Department shall
22 have 14 calendar days to recommend to the Governor whether a
23 management agreement should be entered into with a particular
24 finalist. After reviewing the Department's recommendation, the
25 Governor may accept or reject the Department's recommendation,
26 and shall select a final offeror as the private manager by

1 publication of a notice in the Illinois Procurement Bulletin on
2 or before September 15, 2010. The Governor shall include in the
3 notice a detailed explanation and the reasons why the final
4 offeror is superior to other offerors and will provide
5 management services in a manner that best achieves the
6 objectives of this Section. The Governor shall also sign the
7 management agreement with the private manager.

8 (i) Any action to contest the private manager selected by
9 the Governor under this Section must be brought within 7
10 calendar days after the publication of the notice of the
11 designation of the private manager as provided in subsection
12 (h) of this Section.

13 (j) The Lottery shall remain, for so long as a private
14 manager manages the Lottery in accordance with provisions of
15 this Act, a Lottery conducted by the State, and the State shall
16 not be authorized to sell or transfer the Lottery to a third
17 party.

18 (k) Any tangible personal property used exclusively in
19 connection with the lottery that is owned by the Department and
20 leased to the private manager shall be owned by the Department
21 in the name of the State and shall be considered to be public
22 property devoted to an essential public and governmental
23 function.

24 (l) The Department may exercise any of its powers under
25 this Section or any other law as necessary or desirable for the
26 execution of the Department's powers under this Section.

1 (m) Neither this Section nor any management agreement
2 entered into under this Section prohibits the General Assembly
3 from authorizing forms of gambling that are not in direct
4 competition with the Lottery. The forms of gambling authorized
5 by this amendatory Act of the 97th General Assembly constitute
6 authorized forms of gambling that are not in direct competition
7 with the Lottery.

8 (n) The private manager shall be subject to a complete
9 investigation in the third, seventh, and tenth years of the
10 agreement (if the agreement is for a 10-year term) by the
11 Department in cooperation with the Auditor General to determine
12 whether the private manager has complied with this Section and
13 the management agreement. The private manager shall bear the
14 cost of an investigation or reinvestigation of the private
15 manager under this subsection.

16 (o) The powers conferred by this Section are in addition
17 and supplemental to the powers conferred by any other law. If
18 any other law or rule is inconsistent with this Section,
19 including, but not limited to, provisions of the Illinois
20 Procurement Code, then this Section controls as to any
21 management agreement entered into under this Section. This
22 Section and any rules adopted under this Section contain full
23 and complete authority for a management agreement between the
24 Department and a private manager. No law, procedure,
25 proceeding, publication, notice, consent, approval, order, or
26 act by the Department or any other officer, Department, agency,

1 or instrumentality of the State or any political subdivision is
2 required for the Department to enter into a management
3 agreement under this Section. This Section contains full and
4 complete authority for the Department to approve any contracts
5 entered into by a private manager with a vendor providing
6 goods, services, or both goods and services to the private
7 manager under the terms of the management agreement, including
8 subcontractors of such vendors.

9 Upon receipt of a written request from the Chief
10 Procurement Officer, the Department shall provide to the Chief
11 Procurement Officer a complete and un-redacted copy of the
12 management agreement or any contract that is subject to the
13 Department's approval authority under this subsection (o). The
14 Department shall provide a copy of the agreement or contract to
15 the Chief Procurement Officer in the time specified by the
16 Chief Procurement Officer in his or her written request, but no
17 later than 5 business days after the request is received by the
18 Department. The Chief Procurement Officer must retain any
19 portions of the management agreement or of any contract
20 designated by the Department as confidential, proprietary, or
21 trade secret information in complete confidence pursuant to
22 subsection (g) of Section 7 of the Freedom of Information Act.
23 The Department shall also provide the Chief Procurement Officer
24 with reasonable advance written notice of any contract that is
25 pending Department approval.

26 Notwithstanding any other provision of this Section to the

1 contrary, the Chief Procurement Officer shall adopt
2 administrative rules, including emergency rules, to establish
3 a procurement process to select a successor private manager if
4 a private management agreement has been terminated. The
5 selection process shall at a minimum take into account the
6 criteria set forth in items (1) through (4) of subsection (e)
7 of this Section and may include provisions consistent with
8 subsections (f), (g), (h), and (i) of this Section. The Chief
9 Procurement Officer shall also implement and administer the
10 adopted selection process upon the termination of a private
11 management agreement. The Department, after the Chief
12 Procurement Officer certifies that the procurement process has
13 been followed in accordance with the rules adopted under this
14 subsection (o), shall select a final offeror as the private
15 manager and sign the management agreement with the private
16 manager.

17 Except as provided in Sections 21.2, 21.5, 21.6, 21.7, and
18 21.8, the Department shall distribute all proceeds of lottery
19 tickets and shares sold in the following priority and manner:

20 (1) The payment of prizes and retailer bonuses.

21 (2) The payment of costs incurred in the operation and
22 administration of the Lottery, including the payment of
23 sums due to the private manager under the management
24 agreement with the Department.

25 (3) On the last day of each month or as soon thereafter
26 as possible, the State Comptroller shall direct and the

1 State Treasurer shall transfer from the Lottery Fund to the
2 Common School Fund an amount that is equal to the proceeds
3 transferred in the corresponding month of fiscal year 2009,
4 as adjusted for inflation, to the Common School Fund.

5 (4) On or before the last day of each fiscal year,
6 deposit any remaining proceeds, subject to payments under
7 items (1), (2), and (3) into the Capital Projects Fund each
8 fiscal year.

9 (p) The Department shall be subject to the following
10 reporting and information request requirements:

11 (1) the Department shall submit written quarterly
12 reports to the Governor and the General Assembly on the
13 activities and actions of the private manager selected
14 under this Section;

15 (2) upon request of the Chief Procurement Officer, the
16 Department shall promptly produce information related to
17 the procurement activities of the Department and the
18 private manager requested by the Chief Procurement
19 Officer; the Chief Procurement Officer must retain
20 confidential, proprietary, or trade secret information
21 designated by the Department in complete confidence
22 pursuant to subsection (g) of Section 7 of the Freedom of
23 Information Act; and

24 (3) at least 30 days prior to the beginning of the
25 Department's fiscal year, the Department shall prepare an
26 annual written report on the activities of the private

1 manager selected under this Section and deliver that report
2 to the Governor and General Assembly.

3 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-840,
4 eff. 12-23-09; 97-464, eff. 8-19-11.)

5 Section 90-10. The Department of Revenue Law of the Civil
6 Administrative Code of Illinois is amended by changing Section
7 2505-305 as follows:

8 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

9 Sec. 2505-305. Investigators.

10 (a) The Department has the power to appoint investigators
11 to conduct all investigations, searches, seizures, arrests,
12 and other duties imposed under the provisions of any law
13 administered by the Department. Except as provided in
14 subsection (c), these investigators have and may exercise all
15 the powers of peace officers solely for the purpose of
16 enforcing taxing measures administered by the Department.

17 (b) The Director must authorize to each investigator
18 employed under this Section and to any other employee of the
19 Department exercising the powers of a peace officer a distinct
20 badge that, on its face, (i) clearly states that the badge is
21 authorized by the Department and (ii) contains a unique
22 identifying number. No other badge shall be authorized by the
23 Department.

24 (c) The Department may enter into agreements with the

1 Illinois Gaming Board providing that investigators appointed
2 under this Section shall exercise the peace officer powers set
3 forth in paragraph (20.6) of subsection (c) of Section 5 of the
4 Illinois Riverboat Gambling Act.

5 (Source: P.A. 96-37, eff. 7-13-09.)

6 Section 90-12. The Illinois State Auditing Act is amended
7 by changing Section 3-1 as follows:

8 (30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

9 Sec. 3-1. Jurisdiction of Auditor General. The Auditor
10 General has jurisdiction over all State agencies to make post
11 audits and investigations authorized by or under this Act or
12 the Constitution.

13 The Auditor General has jurisdiction over local government
14 agencies and private agencies only:

15 (a) to make such post audits authorized by or under
16 this Act as are necessary and incidental to a post audit of
17 a State agency or of a program administered by a State
18 agency involving public funds of the State, but this
19 jurisdiction does not include any authority to review local
20 governmental agencies in the obligation, receipt,
21 expenditure or use of public funds of the State that are
22 granted without limitation or condition imposed by law,
23 other than the general limitation that such funds be used
24 for public purposes;

1 (b) to make investigations authorized by or under this
2 Act or the Constitution; and

3 (c) to make audits of the records of local government
4 agencies to verify actual costs of state-mandated programs
5 when directed to do so by the Legislative Audit Commission
6 at the request of the State Board of Appeals under the
7 State Mandates Act.

8 In addition to the foregoing, the Auditor General may
9 conduct an audit of the Metropolitan Pier and Exposition
10 Authority, the Regional Transportation Authority, the Suburban
11 Bus Division, the Commuter Rail Division and the Chicago
12 Transit Authority and any other subsidized carrier when
13 authorized by the Legislative Audit Commission. Such audit may
14 be a financial, management or program audit, or any combination
15 thereof.

16 The audit shall determine whether they are operating in
17 accordance with all applicable laws and regulations. Subject to
18 the limitations of this Act, the Legislative Audit Commission
19 may by resolution specify additional determinations to be
20 included in the scope of the audit.

21 In addition to the foregoing, the Auditor General must also
22 conduct a financial audit of the Illinois Sports Facilities
23 Authority's expenditures of public funds in connection with the
24 reconstruction, renovation, remodeling, extension, or
25 improvement of all or substantially all of any existing
26 "facility", as that term is defined in the Illinois Sports

1 Facilities Authority Act.

2 The Auditor General may also conduct an audit, when
3 authorized by the Legislative Audit Commission, of any hospital
4 which receives 10% or more of its gross revenues from payments
5 from the State of Illinois, Department of Healthcare and Family
6 Services (formerly Department of Public Aid), Medical
7 Assistance Program.

8 The Auditor General is authorized to conduct financial and
9 compliance audits of the Illinois Distance Learning Foundation
10 and the Illinois Conservation Foundation.

11 As soon as practical after the effective date of this
12 amendatory Act of 1995, the Auditor General shall conduct a
13 compliance and management audit of the City of Chicago and any
14 other entity with regard to the operation of Chicago O'Hare
15 International Airport, Chicago Midway Airport and Merrill C.
16 Meigs Field. The audit shall include, but not be limited to, an
17 examination of revenues, expenses, and transfers of funds;
18 purchasing and contracting policies and practices; staffing
19 levels; and hiring practices and procedures. When completed,
20 the audit required by this paragraph shall be distributed in
21 accordance with Section 3-14.

22 The Auditor General shall conduct a financial and
23 compliance and program audit of distributions from the
24 Municipal Economic Development Fund during the immediately
25 preceding calendar year pursuant to Section 8-403.1 of the
26 Public Utilities Act at no cost to the city, village, or

1 incorporated town that received the distributions.

2 The Auditor General must conduct an audit of the Health
3 Facilities and Services Review Board pursuant to Section 19.5
4 of the Illinois Health Facilities Planning Act.

5 The Auditor General must conduct an audit of the Chicago
6 Casino Development Authority pursuant to Section 1-60 of the
7 Chicago Casino Development Authority Act.

8 The Auditor General of the State of Illinois shall annually
9 conduct or cause to be conducted a financial and compliance
10 audit of the books and records of any county water commission
11 organized pursuant to the Water Commission Act of 1985 and
12 shall file a copy of the report of that audit with the Governor
13 and the Legislative Audit Commission. The filed audit shall be
14 open to the public for inspection. The cost of the audit shall
15 be charged to the county water commission in accordance with
16 Section 6z-27 of the State Finance Act. The county water
17 commission shall make available to the Auditor General its
18 books and records and any other documentation, whether in the
19 possession of its trustees or other parties, necessary to
20 conduct the audit required. These audit requirements apply only
21 through July 1, 2007.

22 The Auditor General must conduct audits of the Rend Lake
23 Conservancy District as provided in Section 25.5 of the River
24 Conservancy Districts Act.

25 The Auditor General must conduct financial audits of the
26 Southeastern Illinois Economic Development Authority as

1 provided in Section 70 of the Southeastern Illinois Economic
2 Development Authority Act.

3 The Auditor General shall conduct a compliance audit in
4 accordance with subsections (d) and (f) of Section 30 of the
5 Innovation Development and Economy Act.

6 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09;
7 96-939, eff. 6-24-10.)

8 Section 90-15. The State Finance Act is amended by adding
9 Sections 5.809, 5.810, 5.811, 5.812, 5.813, 6z-93, and 6z-94
10 and by changing Sections 6z-32, 6z-77, and 6z-95 as follows:

11 (30 ILCS 105/5.809 new)

12 Sec. 5.809. The State and County Fair Assistance Fund.

13 (30 ILCS 105/5.810 new)

14 Sec. 5.810. The Depressed Communities Economic Development
15 Fund.

16 (30 ILCS 105/5.811 new)

17 Sec. 5.811. The Gaming Facilities Fee Revenue Fund.

18 (30 ILCS 105/5.812 new)

19 Sec. 5.812. The Future of Agriculture Fund.

20 (30 ILCS 105/5.813 new)

1 Sec. 5.813. The Horse Racing Impact Fee Fund.

2 (30 ILCS 105/6z-32)

3 Sec. 6z-32. Partners for Planning and Conservation.

4 (a) The Partners for Conservation Fund (formerly known as
5 the Conservation 2000 Fund) and the Partners for Conservation
6 Projects Fund (formerly known as the Conservation 2000 Projects
7 Fund) are created as special funds in the State Treasury. These
8 funds shall be used to establish a comprehensive program to
9 protect Illinois' natural resources through cooperative
10 partnerships between State government and public and private
11 landowners. Moneys in these Funds may be used, subject to
12 appropriation, by the Department of Natural Resources,
13 Environmental Protection Agency, and the Department of
14 Agriculture for purposes relating to natural resource
15 protection, planning, recreation, tourism, and compatible
16 agricultural and economic development activities. Without
17 limiting these general purposes, moneys in these Funds may be
18 used, subject to appropriation, for the following specific
19 purposes:

20 (1) To foster sustainable agriculture practices and
21 control soil erosion and sedimentation, including grants
22 to Soil and Water Conservation Districts for conservation
23 practice cost-share grants and for personnel, educational,
24 and administrative expenses.

25 (2) To establish and protect a system of ecosystems in

1 public and private ownership through conservation
2 easements, incentives to public and private landowners,
3 natural resource restoration and preservation, water
4 quality protection and improvement, land use and watershed
5 planning, technical assistance and grants, and land
6 acquisition provided these mechanisms are all voluntary on
7 the part of the landowner and do not involve the use of
8 eminent domain.

9 (3) To develop a systematic and long-term program to
10 effectively measure and monitor natural resources and
11 ecological conditions through investments in technology
12 and involvement of scientific experts.

13 (4) To initiate strategies to enhance, use, and
14 maintain Illinois' inland lakes through education,
15 technical assistance, research, and financial incentives.

16 (5) To partner with private landowners and with units
17 of State, federal, and local government and with
18 not-for-profit organizations in order to integrate State
19 and federal programs with Illinois' natural resource
20 protection and restoration efforts and to meet
21 requirements to obtain federal and other funds for
22 conservation or protection of natural resources.

23 (b) The State Comptroller and State Treasurer shall
24 automatically transfer on the last day of each month, beginning
25 on September 30, 1995 and ending on June 30, 2021, from the
26 General Revenue Fund to the Partners for Conservation Fund, an

1 amount equal to 1/10 of the amount set forth below in fiscal
 2 year 1996 and an amount equal to 1/12 of the amount set forth
 3 below in each of the other specified fiscal years:

4 Fiscal Year	Amount
5 1996	\$ 3,500,000
6 1997	\$ 9,000,000
7 1998	\$10,000,000
8 1999	\$11,000,000
9 2000	\$12,500,000
10 2001 through 2004	\$14,000,000
11 2005	\$7,000,000
12 2006	\$11,000,000
13 2007	\$0
14 2008 through 2021	\$14,000,000

15 (c) Notwithstanding any other provision of law to the
 16 contrary and in addition to any other transfers that may be
 17 provided for by law, on the last day of each month beginning on
 18 July 31, 2006 and ending on June 30, 2007, or as soon
 19 thereafter as may be practical, the State Comptroller shall
 20 direct and the State Treasurer shall transfer \$1,000,000 from
 21 the Open Space Lands Acquisition and Development Fund to the
 22 Conservation 2000 Fund.

23 (d) There shall be deposited into the Partners for
 24 Conservation Projects Fund such bond proceeds and other moneys
 25 as may, from time to time, be provided by law.

26 (e) Revenues deposited into the Fund pursuant to subsection

1 (b-12) of Section 13 of the Illinois Gambling Act shall be used
2 solely for grants to soil and water conservation districts.
3 Such revenues shall supplement, and not supplant, other State
4 funding for soil and water conservation districts.

5 (Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-139,
6 eff. 1-1-08.)

7 (30 ILCS 105/6z-77)

8 Sec. 6z-77. The Capital Projects Fund.

9 (a) The Capital Projects Fund is created as a special fund
10 in the State Treasury. The State Comptroller and State
11 Treasurer shall transfer from the Capital Projects Fund to the
12 General Revenue Fund \$61,294,550 on October 1, 2009,
13 \$122,589,100 on January 1, 2010, and \$61,294,550 on April 1,
14 2010. Beginning on July 1, 2010, and on July 1 and January 1 of
15 each year thereafter, the State Comptroller and State Treasurer
16 shall transfer the sum of \$122,589,100 from the Capital
17 Projects Fund to the General Revenue Fund.

18 (b) Subject to appropriation, the Capital Projects Fund may
19 be used only for capital projects and the payment of debt
20 service on bonds issued for capital projects. All interest
21 earned on moneys in the Fund shall be deposited into the Fund.
22 The Fund shall not be subject to administrative charges or
23 chargebacks, such as but not limited to those authorized under
24 Section 8h.

25 (c) Annually, the Governor's Office of Management and

1 Budget shall determine if revenues deposited into the Fund in
2 the fiscal year are expected to exceed the amount needed in the
3 fiscal year for capital projects and the payment of debt
4 service on bonds issued for capital projects. If any such
5 excess amount exists, then on April 1 or as soon thereafter as
6 practical, the Governor's Office of Management and Budget shall
7 certify such amount, accompanied by a description of the
8 process by which the amount was calculated, to the State
9 Comptroller and the State Treasurer. Within 15 days after the
10 receipt of the certification required by this subsection (c),
11 the State Comptroller and the State Treasurer shall transfer
12 that amount from the Capital Projects Fund to the Education
13 Assistance Fund, except that the amount transferred to the
14 Education Assistance Fund pursuant to this subsection (c) shall
15 not exceed the estimated amount of revenues that will be
16 deposited into the Fund pursuant to Sections 12 and 13 of the
17 Illinois Gambling Act in the fiscal year.

18 (Source: P.A. 96-34, eff. 7-13-09.)

19 (30 ILCS 105/6z-93 new)

20 Sec. 6z-93. The Gaming Facilities Fee Revenue Fund.

21 (a) The Gaming Facilities Fee Revenue Fund is created as a
22 special fund in the State treasury.

23 (b) The revenues in the Fund shall be used, subject to
24 appropriation, by the Comptroller for the purpose of (i)
25 providing appropriations to the Illinois Gaming Board for the

1 administration and enforcement of the Illinois Gambling Act and
2 (ii) payment of vouchers that are outstanding for more than 60
3 days. Whenever practical, the Comptroller must prioritize
4 voucher payments for expenses related to medical assistance
5 under the Illinois Public Aid Code, the Children's Health
6 Insurance Program Act, the Covering ALL KIDS Health Insurance
7 Act, and the Senior Citizens and Disabled Persons Property Tax
8 Relief and Pharmaceutical Assistance Act.

9 (c) The Fund shall consist of fee revenues received
10 pursuant to subsection (e) of Section 1-45 of the Chicago
11 Casino Development Authority Act and pursuant to subsections
12 (e-10), (e-15), (e-25), and (h-5) of Section 7 and subsections
13 (c) and (i) of Section 7.6 of the Illinois Gambling Act. All
14 interest earned on moneys in the Fund shall be deposited into
15 the Fund.

16 (d) The Fund shall not be subject to administrative charges
17 or chargebacks, including, but not limited to, those authorized
18 under subsection (h) of Section 8 of this Act.

19 (30 ILCS 105/6z-94 new)

20 Sec. 6z-94. The Future of Agriculture Fund. There is
21 created the Future of Agriculture Fund, a special fund in the
22 State treasury. Moneys in the Fund may be used by the
23 Department of Agriculture, subject to appropriation, solely
24 for grants to (1) county fairs, as defined by Section 2 of the
25 Agricultural Fair Act, (2) the Illinois Association FFA, and

1 (3) University of Illinois Extension 4-H programs. The Future
2 of Agriculture Fund is not subject to administrative
3 chargebacks, including, but not limited to, those authorized
4 under Section 8h of the State Finance Act.

5 (30 ILCS 105/6z-95 new)

6 Sec. 6z-95. The Horse Racing Impact Fee Fund. There is
7 created the Horse Racing Impact Fee Fund, a special fund in the
8 State treasury. Moneys in the Fund shall be distributed by the
9 Illinois Racing Board to all organization licensees, as defined
10 in the Illinois Horse Racing Act of 1975, on a pro rata basis
11 based on the number of live races that are conducted at an
12 organization licensee's racetrack in the prior calendar year.
13 The Horse Racing Impact Fee Fund is not subject to
14 administrative chargebacks, including, but not limited to,
15 those authorized under Section 8h of the State Finance Act.

16 Section 90-23. The Property Tax Code is amended by adding
17 Section 15-144 as follows:

18 (35 ILCS 200/15-144 new)

19 Sec. 15-144. Chicago Casino Development Authority. All
20 property owned by the Chicago Casino Development Authority is
21 exempt. Any property owned by the Chicago Casino Development
22 Authority and leased to an entity that is not exempt shall lose
23 its exempt status, including all property that is leased to a

1 casino operator licensee pursuant to the Chicago Casino
2 Development Authority Act.

3 Section 90-25. The Joliet Regional Port District Act is
4 amended by changing Section 5.1 as follows:

5 (70 ILCS 1825/5.1) (from Ch. 19, par. 255.1)

6 Sec. 5.1. Riverboat and casino gambling. Notwithstanding
7 any other provision of this Act, the District may not regulate
8 the operation, conduct, or navigation of any riverboat gambling
9 casino licensed under the Illinois ~~Riverboat~~ Gambling Act, and
10 the District may not license, tax, or otherwise levy any
11 assessment of any kind on any riverboat gambling casino
12 licensed under the Illinois ~~Riverboat~~ Gambling Act. The General
13 Assembly declares that the powers to regulate the operation,
14 conduct, and navigation of riverboat gambling casinos and to
15 license, tax, and levy assessments upon riverboat gambling
16 casinos are exclusive powers of the State of Illinois and the
17 Illinois Gaming Board as provided in the Illinois ~~Riverboat~~
18 Gambling Act.

19 (Source: P.A. 87-1175.)

20 Section 90-30. The Consumer Installment Loan Act is amended
21 by changing Section 12.5 as follows:

22 (205 ILCS 670/12.5)

1 Sec. 12.5. Limited purpose branch.

2 (a) Upon the written approval of the Director, a licensee
3 may maintain a limited purpose branch for the sole purpose of
4 making loans as permitted by this Act. A limited purpose branch
5 may include an automatic loan machine. No other activity shall
6 be conducted at the site, including but not limited to,
7 accepting payments, servicing the accounts, or collections.

8 (b) The licensee must submit an application for a limited
9 purpose branch to the Director on forms prescribed by the
10 Director with an application fee of \$300. The approval for the
11 limited purpose branch must be renewed concurrently with the
12 renewal of the licensee's license along with a renewal fee of
13 \$300 for the limited purpose branch.

14 (c) The books, accounts, records, and files of the limited
15 purpose branch's transactions shall be maintained at the
16 licensee's licensed location. The licensee shall notify the
17 Director of the licensed location at which the books, accounts,
18 records, and files shall be maintained.

19 (d) The licensee shall prominently display at the limited
20 purpose branch the address and telephone number of the
21 licensee's licensed location.

22 (e) No other business shall be conducted at the site of the
23 limited purpose branch unless authorized by the Director.

24 (f) The Director shall make and enforce reasonable rules
25 for the conduct of a limited purpose branch.

26 (g) A limited purpose branch may not be located within

1 1,000 feet of a facility operated by an inter-track wagering
2 licensee or an organization licensee subject to the Illinois
3 Horse Racing Act of 1975, on a riverboat or in a casino subject
4 to the Illinois Riverboat Gambling Act, or within 1,000 feet of
5 the location at which the riverboat docks or within 1,000 feet
6 of a casino.

7 (Source: P.A. 90-437, eff. 1-1-98.)

8 Section 90-35. The Illinois Horse Racing Act of 1975 is
9 amended by changing Sections 1.2, 3.12, 6, 9, 15.1, 18, 19, 20,
10 24, 26, 27, 28, 28.1, 30, 30.5, 31, 31.1, 32.1, 36, and 40 and
11 by adding Sections 34.3 and 56 as follows:

12 (230 ILCS 5/1.2)

13 Sec. 1.2. Legislative intent. This Act is intended to
14 benefit the people of the State of Illinois by encouraging the
15 breeding and production of race horses, assisting economic
16 development and promoting Illinois tourism. The General
17 Assembly finds and declares it to be the public policy of the
18 State of Illinois to:

19 (a) support and enhance Illinois' horse racing industry,
20 which is a significant component within the agribusiness
21 industry;

22 (b) ensure that Illinois' horse racing industry remains
23 competitive with neighboring states;

24 (c) stimulate growth within Illinois' horse racing

1 industry, thereby encouraging new investment and development
2 to produce additional tax revenues and to create additional
3 jobs;

4 (d) promote the further growth of tourism;

5 (e) encourage the breeding of thoroughbred and
6 standardbred horses in this State; and

7 (f) ensure that public confidence and trust in the
8 credibility and integrity of racing operations and the
9 regulatory process is maintained.

10 (Source: P.A. 91-40, eff. 6-25-99.)

11 (230 ILCS 5/3.12) (from Ch. 8, par. 37-3.12)

12 Sec. 3.12. Pari-mutuel system of wagering. "Pari-mutuel
13 system of wagering" means a form of wagering on the outcome of
14 horse races in which wagers are made in various denominations
15 on a horse or horses and all wagers for each race are pooled
16 and held by a licensee for distribution in a manner approved by
17 the Board. "Pari-mutuel system of wagering" shall not include
18 wagering on historic races. Wagers may be placed via any method
19 or at any location authorized under this Act.

20 (Source: P.A. 96-762, eff. 8-25-09.)

21 (230 ILCS 5/6) (from Ch. 8, par. 37-6)

22 Sec. 6. Restrictions on Board members.

23 (a) No person shall be appointed a member of the Board or
24 continue to be a member of the Board if the person or any

1 member of their immediate family is a member of the Board of
2 Directors, employee, or financially interested in any of the
3 following: (i) any licensee or other person who has applied for
4 racing dates to the Board, or the operations thereof including,
5 but not limited to, concessions, data processing, track
6 maintenance, track security, and pari-mutuel operations,
7 located, scheduled or doing business within the State of
8 Illinois, (ii) any race horse competing at a meeting under the
9 Board's jurisdiction, or (iii) any licensee under the Illinois
10 Gambling Act. No person shall be appointed a member of the
11 Board or continue to be a member of the Board who is (or any
12 member of whose family is) a member of the Board of Directors
13 of, or who is a person financially interested in, any licensee
14 or other person who has applied for racing dates to the Board,
15 or the operations thereof including, but not limited to,
16 concessions, data processing, track maintenance, track
17 security and pari mutuel operations, located, scheduled or
18 doing business within the State of Illinois, or in any race
19 horse competing at a meeting under the Board's jurisdiction. No
20 Board member shall hold any other public office for which he
21 shall receive compensation other than necessary travel or other
22 incidental expenses.

23 (b) No person shall be a member of the Board who is not of
24 good moral character or who has been convicted of, or is under
25 indictment for, a felony under the laws of Illinois or any
26 other state, or the United States.

1 (c) No member of the Board or employee shall engage in any
2 political activity. For the purposes of this Section,
3 "political" means any activity in support of or in connection
4 with any campaign for State or local elective office or any
5 political organization, but does not include activities (i)
6 relating to the support or opposition of any executive,
7 legislative, or administrative action (as those terms are
8 defined in Section 2 of the Lobbyist Registration Act), (ii)
9 relating to collective bargaining, or (iii) that are otherwise
10 in furtherance of the person's official State duties or
11 governmental and public service functions.

12 (d) Board members and employees may not engage in
13 communications or any activity that may cause or have the
14 appearance of causing a conflict of interest. A conflict of
15 interest exists if a situation influences or creates the
16 appearance that it may influence judgment or performance of
17 regulatory duties and responsibilities. This prohibition shall
18 extend to any act identified by Board action that, in the
19 judgment of the Board, could represent the potential for or the
20 appearance of a conflict of interest.

21 (e) Board members and employees may not accept any gift,
22 gratuity, service, compensation, travel, lodging, or thing of
23 value, with the exception of unsolicited items of an incidental
24 nature, from any person, corporation, or entity doing business
25 with the Board.

26 (f) A Board member or employee shall not use or attempt to

1 use his or her official position to secure, or attempt to
2 secure, any privilege, advantage, favor, or influence for
3 himself or herself or others. No Board member or employee,
4 within a period of one year immediately preceding nomination by
5 the Governor or employment, shall have been employed or
6 received compensation or fees for services from a person or
7 entity, or its parent or affiliate, that has engaged in
8 business with the Board, a licensee or a licensee under the
9 Illinois Gambling Act. In addition, all Board members and
10 employees are subject to the restrictions set forth in Section
11 5-45 of the State Officials and Employees Ethics Act.

12 (Source: P.A. 89-16, eff. 5-30-95.)

13 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

14 Sec. 9. The Board shall have all powers necessary and
15 proper to fully and effectively execute the provisions of this
16 Act, including, but not limited to, the following:

17 (a) The Board is vested with jurisdiction and supervision
18 over all race meetings in this State, over all licensees doing
19 business in this State, over all occupation licensees, and over
20 all persons on the facilities of any licensee. Such
21 jurisdiction shall include the power to issue licenses to the
22 Illinois Department of Agriculture authorizing the pari-mutuel
23 system of wagering on harness and Quarter Horse races held (1)
24 at the Illinois State Fair in Sangamon County, and (2) at the
25 DuQuoin State Fair in Perry County. The jurisdiction of the

1 Board shall also include the power to issue licenses to county
2 fairs which are eligible to receive funds pursuant to the
3 Agricultural Fair Act, as now or hereafter amended, or their
4 agents, authorizing the pari-mutuel system of wagering on horse
5 races conducted at the county fairs receiving such licenses.
6 Such licenses shall be governed by subsection (n) of this
7 Section.

8 Upon application, the Board shall issue a license to the
9 Illinois Department of Agriculture to conduct harness and
10 Quarter Horse races at the Illinois State Fair and at the
11 DuQuoin State Fairgrounds during the scheduled dates of each
12 fair. The Board shall not require and the Department of
13 Agriculture shall be exempt from the requirements of Sections
14 15.3, 18 and 19, paragraphs (a)(2), (b), (c), (d), (e), (e-5),
15 (e-10), (f), (g), and (h) of Section 20, and Sections 21, 24
16 and 25. The Board and the Department of Agriculture may extend
17 any or all of these exemptions to any contractor or agent
18 engaged by the Department of Agriculture to conduct its race
19 meetings when the Board determines that this would best serve
20 the public interest and the interest of horse racing.

21 Notwithstanding any provision of law to the contrary, it
22 shall be lawful for any licensee to operate pari-mutuel
23 wagering or contract with the Department of Agriculture to
24 operate pari-mutuel wagering at the DuQuoin State Fairgrounds
25 or for the Department to enter into contracts with a licensee,
26 employ its owners, employees or agents and employ such other

1 occupation licensees as the Department deems necessary in
2 connection with race meetings and wagerings.

3 (b) The Board is vested with the full power to promulgate
4 reasonable rules and regulations for the purpose of
5 administering the provisions of this Act and to prescribe
6 reasonable rules, regulations and conditions under which all
7 horse race meetings or wagering in the State shall be
8 conducted. Such reasonable rules and regulations are to provide
9 for the prevention of practices detrimental to the public
10 interest and to promote the best interests of horse racing and
11 to impose penalties for violations thereof.

12 (c) The Board, and any person or persons to whom it
13 delegates this power, is vested with the power to enter the
14 facilities and other places of business of any licensee to
15 determine whether there has been compliance with the provisions
16 of this Act and its rules and regulations.

17 (d) The Board, and any person or persons to whom it
18 delegates this power, is vested with the authority to
19 investigate alleged violations of the provisions of this Act,
20 its reasonable rules and regulations, orders and final
21 decisions; the Board shall take appropriate disciplinary
22 action against any licensee or occupation licensee for
23 violation thereof or institute appropriate legal action for the
24 enforcement thereof.

25 (e) The Board, and any person or persons to whom it
26 delegates this power, may eject or exclude from any race

1 meeting or the facilities of any licensee, or any part thereof,
2 any occupation licensee or any other individual whose conduct
3 or reputation is such that his presence on those facilities
4 may, in the opinion of the Board, call into question the
5 honesty and integrity of horse racing or wagering or interfere
6 with the orderly conduct of horse racing or wagering; provided,
7 however, that no person shall be excluded or ejected from the
8 facilities of any licensee solely on the grounds of race,
9 color, creed, national origin, ancestry, or sex. The power to
10 eject or exclude an occupation licensee or other individual may
11 be exercised for just cause by the licensee or the Board,
12 subject to subsequent hearing by the Board as to the propriety
13 of said exclusion.

14 (f) The Board is vested with the power to acquire,
15 establish, maintain and operate (or provide by contract to
16 maintain and operate) testing laboratories and related
17 facilities, for the purpose of conducting saliva, blood, urine
18 and other tests on the horses run or to be run in any horse race
19 meeting, including races run at county fairs, and to purchase
20 all equipment and supplies deemed necessary or desirable in
21 connection with any such testing laboratories and related
22 facilities and all such tests.

23 (g) The Board may require that the records, including
24 financial or other statements of any licensee or any person
25 affiliated with the licensee who is involved directly or
26 indirectly in the activities of any licensee as regulated under

1 this Act to the extent that those financial or other statements
2 relate to such activities be kept in such manner as prescribed
3 by the Board, and that Board employees shall have access to
4 those records during reasonable business hours. Within 120 days
5 of the end of its fiscal year, each licensee shall transmit to
6 the Board an audit of the financial transactions and condition
7 of the licensee's total operations. All audits shall be
8 conducted by certified public accountants. Each certified
9 public accountant must be registered in the State of Illinois
10 under the Illinois Public Accounting Act. The compensation for
11 each certified public accountant shall be paid directly by the
12 licensee to the certified public accountant. A licensee shall
13 also submit any other financial or related information the
14 Board deems necessary to effectively administer this Act and
15 all rules, regulations, and final decisions promulgated under
16 this Act.

17 (h) The Board shall name and appoint in the manner provided
18 by the rules and regulations of the Board: an Executive
19 Director; a State director of mutuels; State veterinarians and
20 representatives to take saliva, blood, urine and other tests on
21 horses; licensing personnel; revenue inspectors; and State
22 seasonal employees (excluding admission ticket sellers and
23 mutuel clerks). All of those named and appointed as provided in
24 this subsection shall serve during the pleasure of the Board;
25 their compensation shall be determined by the Board and be paid
26 in the same manner as other employees of the Board under this

1 Act.

2 (i) The Board shall require that there shall be 3 stewards
3 at each horse race meeting, at least 2 of whom shall be named
4 and appointed by the Board. Stewards appointed or approved by
5 the Board, while performing duties required by this Act or by
6 the Board, shall be entitled to the same rights and immunities
7 as granted to Board members and Board employees in Section 10
8 of this Act.

9 (j) The Board may discharge any Board employee who fails or
10 refuses for any reason to comply with the rules and regulations
11 of the Board, or who, in the opinion of the Board, is guilty of
12 fraud, dishonesty or who is proven to be incompetent. The Board
13 shall have no right or power to determine who shall be
14 officers, directors or employees of any licensee, or their
15 salaries except the Board may, by rule, require that all or any
16 officials or employees in charge of or whose duties relate to
17 the actual running of races be approved by the Board.

18 (k) The Board is vested with the power to appoint delegates
19 to execute any of the powers granted to it under this Section
20 for the purpose of administering this Act and any rules or
21 regulations promulgated in accordance with this Act.

22 (l) The Board is vested with the power to impose civil
23 penalties of up to \$5,000 against an individual and up to
24 \$10,000 against a licensee for each violation of any provision
25 of this Act, any rules adopted by the Board, any order of the
26 Board or any other action which, in the Board's discretion, is

1 a detriment or impediment to horse racing or wagering. All such
2 civil penalties shall be deposited into the Horse Racing Fund.

3 (m) The Board is vested with the power to prescribe a form
4 to be used by licensees as an application for employment for
5 employees of each licensee.

6 (n) The Board shall have the power to issue a license to
7 any county fair, or its agent, authorizing the conduct of the
8 pari-mutuel system of wagering. The Board is vested with the
9 full power to promulgate reasonable rules, regulations and
10 conditions under which all horse race meetings licensed
11 pursuant to this subsection shall be held and conducted,
12 including rules, regulations and conditions for the conduct of
13 the pari-mutuel system of wagering. The rules, regulations and
14 conditions shall provide for the prevention of practices
15 detrimental to the public interest and for the best interests
16 of horse racing, and shall prescribe penalties for violations
17 thereof. Any authority granted the Board under this Act shall
18 extend to its jurisdiction and supervision over county fairs,
19 or their agents, licensed pursuant to this subsection. However,
20 the Board may waive any provision of this Act or its rules or
21 regulations which would otherwise apply to such county fairs or
22 their agents.

23 (o) Whenever the Board is authorized or required by law to
24 consider some aspect of criminal history record information for
25 the purpose of carrying out its statutory powers and
26 responsibilities, then, upon request and payment of fees in

1 conformance with the requirements of Section 2605-400 of the
2 Department of State Police Law (20 ILCS 2605/2605-400), the
3 Department of State Police is authorized to furnish, pursuant
4 to positive identification, such information contained in
5 State files as is necessary to fulfill the request.

6 (p) To insure the convenience, comfort, and wagering
7 accessibility of race track patrons, to provide for the
8 maximization of State revenue, and to generate increases in
9 purse allotments to the horsemen, the Board shall require any
10 licensee to staff the pari-mutuel department with adequate
11 personnel.

12 (Source: P.A. 91-239, eff. 1-1-00.)

13 (230 ILCS 5/15.1) (from Ch. 8, par. 37-15.1)

14 Sec. 15.1. Upon collection of the fee accompanying the
15 application for an occupation license, the Board shall be
16 authorized to make daily temporary deposits of the fees, for a
17 period not to exceed 7 days, with the horsemen's bookkeeper at
18 a race meeting. The horsemen's bookkeeper shall issue a check,
19 payable to the order of the Illinois Racing Board, for monies
20 deposited under this Section within 24 hours of receipt of the
21 monies. Provided however, upon the issuance of the check by the
22 horsemen's bookkeeper the check shall be deposited into the
23 Horse Racing Fund ~~in the State Treasury in accordance with the~~
24 ~~provisions of the "State Officers and Employees Money~~
25 ~~Disposition Act", approved June 9, 1911, as amended.~~

1 (Source: P.A. 84-432.)

2 (230 ILCS 5/18) (from Ch. 8, par. 37-18)

3 Sec. 18. (a) Together with its application, each applicant
4 for racing dates shall deliver to the Board a certified check
5 or bank draft payable to the order of the Board for \$1,000. In
6 the event the applicant applies for racing dates in 2 or 3
7 successive calendar years as provided in subsection (b) of
8 Section 21, the fee shall be \$2,000. Filing fees shall not be
9 refunded in the event the application is denied. All filing
10 fees shall be deposited into the Horse Racing Fund.

11 (b) In addition to the filing fee of \$1000 and the fees
12 provided in subsection (j) of Section 20, each organization
13 licensee shall pay a license fee of \$100 for each racing
14 program on which its daily pari-mutuel handle is \$400,000 or
15 more but less than \$700,000, and a license fee of \$200 for each
16 racing program on which its daily pari-mutuel handle is
17 \$700,000 or more. The additional fees required to be paid under
18 this Section by this amendatory Act of 1982 shall be remitted
19 by the organization licensee to the Illinois Racing Board with
20 each day's graduated privilege tax or pari-mutuel tax and
21 breakage as provided under Section 27.

22 (c) Sections 11-42-1, 11-42-5, and 11-54-1 of the "Illinois
23 Municipal Code," approved May 29, 1961, as now or hereafter
24 amended, shall not apply to any license under this Act.

25 (Source: P.A. 91-40, eff. 6-25-99.)

1 (230 ILCS 5/19) (from Ch. 8, par. 37-19)

2 Sec. 19. (a) No organization license may be granted to
3 conduct a horse race meeting:

4 (1) except as provided in subsection (c) of Section 21
5 of this Act, to any person at any place within 35 miles of
6 any other place licensed by the Board to hold a race
7 meeting on the same date during the same hours, the mileage
8 measurement used in this subsection (a) shall be certified
9 to the Board by the Bureau of Systems and Services in the
10 Illinois Department of Transportation as the most commonly
11 used public way of vehicular travel;

12 (2) to any person in default in the payment of any
13 obligation or debt due the State under this Act, provided
14 no applicant shall be deemed in default in the payment of
15 any obligation or debt due to the State under this Act as
16 long as there is pending a hearing of any kind relevant to
17 such matter;

18 (3) to any person who has been convicted of the
19 violation of any law of the United States or any State law
20 which provided as all or part of its penalty imprisonment
21 in any penal institution; to any person against whom there
22 is pending a Federal or State criminal charge; to any
23 person who is or has been connected with or engaged in the
24 operation of any illegal business; to any person who does
25 not enjoy a general reputation in his community of being an

1 honest, upright, law-abiding person; provided that none of
2 the matters set forth in this subparagraph (3) shall make
3 any person ineligible to be granted an organization license
4 if the Board determines, based on circumstances of any such
5 case, that the granting of a license would not be
6 detrimental to the interests of horse racing and of the
7 public;

8 (4) to any person who does not at the time of
9 application for the organization license own or have a
10 contract or lease for the possession of a finished race
11 track suitable for the type of racing intended to be held
12 by the applicant and for the accommodation of the public.

13 (b) (Blank) ~~Horse racing on Sunday shall be prohibited~~
14 ~~unless authorized by ordinance or referendum of the~~
15 ~~municipality in which a race track or any of its appurtenances~~
16 ~~or facilities are located, or utilized.~~

17 (c) If any person is ineligible to receive an organization
18 license because of any of the matters set forth in subsection
19 (a) (2) or subsection (a) (3) of this Section, any other or
20 separate person that either (i) controls, directly or
21 indirectly, such ineligible person or (ii) is controlled,
22 directly or indirectly, by such ineligible person or by a
23 person which controls, directly or indirectly, such ineligible
24 person shall also be ineligible.

25 (Source: P.A. 88-495; 89-16, eff. 5-30-95.)

1 (230 ILCS 5/20) (from Ch. 8, par. 37-20)

2 Sec. 20. (a) Any person desiring to conduct a horse race
3 meeting may apply to the Board for an organization license. The
4 application shall be made on a form prescribed and furnished by
5 the Board. The application shall specify:

6 (1) the dates on which it intends to conduct the horse
7 race meeting, which dates shall be provided under Section
8 21;

9 (2) the hours of each racing day between which it
10 intends to hold or conduct horse racing at such meeting;

11 (3) the location where it proposes to conduct the
12 meeting; and

13 (4) any other information the Board may reasonably
14 require.

15 (b) A separate application for an organization license
16 shall be filed for each horse race meeting which such person
17 proposes to hold. Any such application, if made by an
18 individual, or by any individual as trustee, shall be signed
19 and verified under oath by such individual. If made by
20 individuals or a partnership, it shall be signed and verified
21 under oath by at least 2 of such individuals or members of such
22 partnership as the case may be. If made by an association,
23 corporation, corporate trustee or any other entity, it shall be
24 signed by the president and attested by the secretary or
25 assistant secretary under the seal of such association, trust
26 or corporation if it has a seal, and shall also be verified

1 under oath by one of the signing officers.

2 (c) The application shall specify the name of the persons,
3 association, trust, or corporation making such application and
4 the post office address of the applicant; if the applicant is a
5 trustee, the names and addresses of the beneficiaries; if a
6 corporation, the names and post office addresses of all
7 officers, stockholders and directors; or if such stockholders
8 hold stock as a nominee or fiduciary, the names and post office
9 addresses of these persons, partnerships, corporations, or
10 trusts who are the beneficial owners thereof or who are
11 beneficially interested therein; and if a partnership, the
12 names and post office addresses of all partners, general or
13 limited; if the applicant is a corporation, the name of the
14 state of its incorporation shall be specified.

15 (d) The applicant shall execute and file with the Board a
16 good faith affirmative action plan to recruit, train, and
17 upgrade minorities in all classifications within the
18 association.

19 (e) With such application there shall be delivered to the
20 Board a certified check or bank draft payable to the order of
21 the Board for an amount equal to \$1,000. All applications for
22 the issuance of an organization license shall be filed with the
23 Board before August 1 of the year prior to the year for which
24 application is made and shall be acted upon by the Board at a
25 meeting to be held on such date as shall be fixed by the Board
26 during the last 15 days of September of such prior year. At

1 such meeting, the Board shall announce the award of the racing
2 meets, live racing schedule, and designation of host track to
3 the applicants and its approval or disapproval of each
4 application. No announcement shall be considered binding until
5 a formal order is executed by the Board, which shall be
6 executed no later than October 15 of that prior year. Absent
7 the agreement of the affected organization licensees, the Board
8 shall not grant overlapping race meetings to 2 or more tracks
9 that are within 100 miles of each other to conduct the
10 thoroughbred racing.

11 (e-1) In awarding standardbred racing dates for calendar
12 year 2012 and thereafter, the Board shall award at least 310
13 racing days, and each organization licensee shall average at
14 least 12 races for each racing day awarded. The Board shall
15 have the discretion to allocate those racing days among
16 organization licensees requesting standardbred race dates.
17 Once awarded by the Board, organization licensees awarded
18 standardbred dates shall run at least 3,500 races in total
19 during that calendar year.

20 (e-2) For each calendar year for which an organization
21 licensee that is receiving money from the Horse Racing Impact
22 Fee Fund requests a number of live standardbred racing days
23 under its organization license that is less than the number of
24 days of live racing awarded in 2009 for its race track
25 facility, the organization licensee may not receive any amount
26 from the Horse Racing Impact Fee Fund for the calendar year of

1 such requested racing days. The number of days of live racing
2 may be adjusted, on a year-by-year basis, because of weather or
3 unsafe track conditions due to acts of God or an agreement
4 between the organization licensee and the association
5 representing the largest number of owners, trainers, or
6 standardbred drivers who race horses at that organization
7 licensee's racing meeting.

8 (e-3) The Board may waive the requirements of subsections
9 (e-1) and (e-3) if it finds that it is in the best interest of
10 the public and the sport of horse racing to conduct fewer races
11 or days of live racing after considering all relevant factors,
12 including, but not limited to, available local horse
13 population, anticipated field size, and sufficient purse
14 levels.

15 (e-5) In reviewing an application for the purpose of
16 granting an organization license consistent with the best
17 interests of the public and the sport of horse racing, the
18 Board shall consider:

19 (1) the character, reputation, experience, and
20 financial integrity of the applicant and of any other
21 separate person that either:

22 (i) controls the applicant, directly or
23 indirectly, or

24 (ii) is controlled, directly or indirectly, by
25 that applicant or by a person who controls, directly or
26 indirectly, that applicant;

1 (2) the applicant's facilities or proposed facilities
2 for conducting horse racing;

3 (3) the total revenue without regard to Section 32.1 to
4 be derived by the State and horsemen from the applicant's
5 conducting a race meeting;

6 (4) the applicant's good faith affirmative action plan
7 to recruit, train, and upgrade minorities in all employment
8 classifications;

9 (5) the applicant's financial ability to purchase and
10 maintain adequate liability and casualty insurance;

11 (6) the applicant's proposed and prior year's
12 promotional and marketing activities and expenditures of
13 the applicant associated with those activities;

14 (7) an agreement, if any, among organization licensees
15 as provided in subsection (b) of Section 21 of this Act;
16 and

17 (8) the extent to which the applicant exceeds or meets
18 other standards for the issuance of an organization license
19 that the Board shall adopt by rule.

20 In granting organization licenses and allocating dates for
21 horse race meetings, the Board shall have discretion to
22 determine an overall schedule, including required simulcasts
23 of Illinois races by host tracks that will, in its judgment, be
24 conducive to the best interests of the public and the sport of
25 horse racing.

26 (e-10) The Illinois Administrative Procedure Act shall

1 apply to administrative procedures of the Board under this Act
2 for the granting of an organization license, except that (1)
3 notwithstanding the provisions of subsection (b) of Section
4 10-40 of the Illinois Administrative Procedure Act regarding
5 cross-examination, the Board may prescribe rules limiting the
6 right of an applicant or participant in any proceeding to award
7 an organization license to conduct cross-examination of
8 witnesses at that proceeding where that cross-examination
9 would unduly obstruct the timely award of an organization
10 license under subsection (e) of Section 20 of this Act; (2) the
11 provisions of Section 10-45 of the Illinois Administrative
12 Procedure Act regarding proposals for decision are excluded
13 under this Act; (3) notwithstanding the provisions of
14 subsection (a) of Section 10-60 of the Illinois Administrative
15 Procedure Act regarding ex parte communications, the Board may
16 prescribe rules allowing ex parte communications with
17 applicants or participants in a proceeding to award an
18 organization license where conducting those communications
19 would be in the best interest of racing, provided all those
20 communications are made part of the record of that proceeding
21 pursuant to subsection (c) of Section 10-60 of the Illinois
22 Administrative Procedure Act; (4) the provisions of Section 14a
23 of this Act and the rules of the Board promulgated under that
24 Section shall apply instead of the provisions of Article 10 of
25 the Illinois Administrative Procedure Act regarding
26 administrative law judges; and (5) the provisions of subsection

1 (d) of Section 10-65 of the Illinois Administrative Procedure
2 Act that prevent summary suspension of a license pending
3 revocation or other action shall not apply.

4 (f) The Board may allot racing dates to an organization
5 licensee for more than one calendar year but for no more than 3
6 successive calendar years in advance, provided that the Board
7 shall review such allotment for more than one calendar year
8 prior to each year for which such allotment has been made. The
9 granting of an organization license to a person constitutes a
10 privilege to conduct a horse race meeting under the provisions
11 of this Act, and no person granted an organization license
12 shall be deemed to have a vested interest, property right, or
13 future expectation to receive an organization license in any
14 subsequent year as a result of the granting of an organization
15 license. Organization licenses shall be subject to revocation
16 if the organization licensee has violated any provision of this
17 Act or the rules and regulations promulgated under this Act or
18 has been convicted of a crime or has failed to disclose or has
19 stated falsely any information called for in the application
20 for an organization license. Any organization license
21 revocation proceeding shall be in accordance with Section 16
22 regarding suspension and revocation of occupation licenses.

23 (f-5) If, (i) an applicant does not file an acceptance of
24 the racing dates awarded by the Board as required under part
25 (1) of subsection (h) of this Section 20, or (ii) an
26 organization licensee has its license suspended or revoked

1 under this Act, the Board, upon conducting an emergency hearing
2 as provided for in this Act, may reaward on an emergency basis
3 pursuant to rules established by the Board, racing dates not
4 accepted or the racing dates associated with any suspension or
5 revocation period to one or more organization licensees, new
6 applicants, or any combination thereof, upon terms and
7 conditions that the Board determines are in the best interest
8 of racing, provided, the organization licensees or new
9 applicants receiving the awarded racing dates file an
10 acceptance of those reawarded racing dates as required under
11 paragraph (1) of subsection (h) of this Section 20 and comply
12 with the other provisions of this Act. The Illinois
13 Administrative Procedure Act shall not apply to the
14 administrative procedures of the Board in conducting the
15 emergency hearing and the reallocation of racing dates on an
16 emergency basis.

17 (g) (Blank).

18 (h) The Board shall send the applicant a copy of its
19 formally executed order by certified mail addressed to the
20 applicant at the address stated in his application, which
21 notice shall be mailed within 5 days of the date the formal
22 order is executed.

23 Each applicant notified shall, within 10 days after receipt
24 of the final executed order of the Board awarding racing dates:

25 (1) file with the Board an acceptance of such award in
26 the form prescribed by the Board;

1 (2) pay to the Board an additional amount equal to \$110
2 for each racing date awarded; and

3 (3) file with the Board the bonds required in Sections
4 21 and 25 at least 20 days prior to the first day of each
5 race meeting.

6 Upon compliance with the provisions of paragraphs (1), (2), and
7 (3) of this subsection (h), the applicant shall be issued an
8 organization license.

9 If any applicant fails to comply with this Section or fails
10 to pay the organization license fees herein provided, no
11 organization license shall be issued to such applicant.

12 (Source: P.A. 97-333, eff. 8-12-11.)

13 (230 ILCS 5/24) (from Ch. 8, par. 37-24)

14 Sec. 24. (a) No license shall be issued to or held by an
15 organization licensee unless all of its officers, directors,
16 and holders of ownership interests of at least 5% are first
17 approved by the Board. The Board shall not give approval of an
18 organization license application to any person who has been
19 convicted of or is under an indictment for a crime of moral
20 turpitude or has violated any provision of the racing law of
21 this State or any rules of the Board.

22 (b) An organization licensee must notify the Board within
23 10 days of any change in the holders of a direct or indirect
24 interest in the ownership of the organization licensee. The
25 Board may, after hearing, revoke the organization license of

1 any person who registers on its books or knowingly permits a
2 direct or indirect interest in the ownership of that person
3 without notifying the Board of the name of the holder in
4 interest within this period.

5 (c) In addition to the provisions of subsection (a) of this
6 Section, no person shall be granted an organization license if
7 any public official of the State or member of his or her family
8 holds any ownership or financial interest, directly or
9 indirectly, in the person.

10 (d) No person which has been granted an organization
11 license to hold a race meeting shall give to any public
12 official or member of his family, directly or indirectly, for
13 or without consideration, any interest in the person. The Board
14 shall, after hearing, revoke the organization license granted
15 to a person which has violated this subsection.

16 (e) Any person or business entity that holds a license or
17 is an applicant for a license under the Illinois Horse Racing
18 Act, and any affiliated entity or affiliated person of such
19 business entity, are prohibited from making any contributions
20 to any political committees or campaigns established to promote
21 the candidacy of any officeholder(s) or any other declared
22 candidate for any office in Illinois. For licensees, this
23 prohibition shall be effective for a period of 2 years
24 following the expiration, termination or revocation of a
25 license. For applicants who do not receive a license, this
26 prohibition shall be in place from the time applications are

1 solicited until the application has been denied or the
2 license(s) at issue have been awarded and any related protests
3 or legal actions have been completed. For purposes of this
4 section, the definitions of "business entity," "affiliated
5 person", and "affiliated entity" set forth in Section 50-37 of
6 the Illinois Procurement Code shall apply. (Blank).

7 Any person or entity that makes a prohibited political
8 contribution is subject to a fine of up to \$200,000 per
9 violation and any other action deemed appropriate by the
10 Illinois Racing Board.

11 (f) No organization licensee or concessionaire or officer,
12 director or holder or controller of 5% or more legal or
13 beneficial interest in any organization licensee or concession
14 shall make any sort of gift or contribution that is prohibited
15 under Article 10 of the State Officials and Employees Ethics
16 Act of any kind or pay or give any money or other thing of value
17 to any person who is a public official, or a candidate or
18 nominee for public office if that payment or gift is prohibited
19 under Article 10 of the State Officials and Employees Ethics
20 Act.

21 (Source: P.A. 89-16, eff. 5-30-95.)

22 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

23 Sec. 26. Wagering.

24 (a) Any licensee may conduct and supervise the pari-mutuel
25 system of wagering, as defined in Section 3.12 of this Act, on

1 horse races conducted by an Illinois organization licensee or
2 conducted at a racetrack located in another state or country
3 ~~and televised in Illinois~~ in accordance with subsection (g) of
4 Section 26 of this Act. Subject to the prior consent of the
5 Board, licensees may supplement any pari-mutuel pool in order
6 to guarantee a minimum distribution. Such pari-mutuel method of
7 wagering shall not, under any circumstances if conducted under
8 the provisions of this Act, be held or construed to be
9 unlawful, other statutes of this State to the contrary
10 notwithstanding. Subject to rules for advance wagering
11 promulgated by the Board, any licensee may accept wagers in
12 advance of the day of the race wagered upon occurs.

13 (b) Except for those gaming activities for which a license
14 is obtained and authorized under the Illinois Lottery Act, the
15 Charitable Games Act, the Raffles Act, or the Illinois Gambling
16 Act, no ~~No~~ other method of betting, pool making, wagering or
17 gambling shall be used or permitted by the licensee. Each
18 licensee may retain, subject to the payment of all applicable
19 taxes and purses, an amount not to exceed 17% of all money
20 wagered under subsection (a) of this Section, except as may
21 otherwise be permitted under this Act.

22 (b-5) An individual may place a wager under the pari-mutuel
23 system from any licensed location authorized under this Act
24 provided that wager is electronically recorded in the manner
25 described in Section 3.12 of this Act. Any wager made
26 electronically by an individual while physically on the

1 premises of a licensee shall be deemed to have been made at the
2 premises of that licensee.

3 (c) Until January 1, 2000, the sum held by any licensee for
4 payment of outstanding pari-mutuel tickets, if unclaimed prior
5 to December 31 of the next year, shall be retained by the
6 licensee for payment of such tickets until that date. Within 10
7 days thereafter, the balance of such sum remaining unclaimed,
8 less any uncashed supplements contributed by such licensee for
9 the purpose of guaranteeing minimum distributions of any
10 pari-mutuel pool, shall be paid to the Illinois Veterans'
11 Rehabilitation Fund of the State treasury, except as provided
12 in subsection (g) of Section 27 of this Act.

13 (c-5) Beginning January 1, 2000, the sum held by any
14 licensee for payment of outstanding pari-mutuel tickets, if
15 unclaimed prior to December 31 of the next year, shall be
16 retained by the licensee for payment of such tickets until that
17 date. Within 10 days thereafter, the balance of such sum
18 remaining unclaimed, less any uncashed supplements contributed
19 by such licensee for the purpose of guaranteeing minimum
20 distributions of any pari-mutuel pool, shall be evenly
21 distributed to the purse account of the organization licensee
22 and the organization licensee.

23 (d) A pari-mutuel ticket shall be honored until December 31
24 of the next calendar year, and the licensee shall pay the same
25 and may charge the amount thereof against unpaid money
26 similarly accumulated on account of pari-mutuel tickets not

1 presented for payment.

2 (e) No licensee shall knowingly permit any minor, other
3 than an employee of such licensee or an owner, trainer, jockey,
4 driver, or employee thereof, to be admitted during a racing
5 program unless accompanied by a parent or guardian, or any
6 minor to be a patron of the pari-mutuel system of wagering
7 conducted or supervised by it. The admission of any
8 unaccompanied minor, other than an employee of the licensee or
9 an owner, trainer, jockey, driver, or employee thereof at a
10 race track is a Class C misdemeanor.

11 (f) Notwithstanding the other provisions of this Act, an
12 organization licensee may contract with an entity in another
13 state or country to permit any legal wagering entity in another
14 state or country to accept wagers solely within such other
15 state or country on races conducted by the organization
16 licensee in this State. Beginning January 1, 2000, these wagers
17 shall not be subject to State taxation. Until January 1, 2000,
18 when the out-of-State entity conducts a pari-mutuel pool
19 separate from the organization licensee, a privilege tax equal
20 to 7 1/2% of all monies received by the organization licensee
21 from entities in other states or countries pursuant to such
22 contracts is imposed on the organization licensee, and such
23 privilege tax shall be remitted to the Department of Revenue
24 within 48 hours of receipt of the moneys from the simulcast.
25 When the out-of-State entity conducts a combined pari-mutuel
26 pool with the organization licensee, the tax shall be 10% of

1 all monies received by the organization licensee with 25% of
2 the receipts from this 10% tax to be distributed to the county
3 in which the race was conducted.

4 An organization licensee may permit one or more of its
5 races to be utilized for pari-mutuel wagering at one or more
6 locations in other states and may transmit audio and visual
7 signals of races the organization licensee conducts to one or
8 more locations outside the State or country and may also permit
9 pari-mutuel pools in other states or countries to be combined
10 with its gross or net wagering pools or with wagering pools
11 established by other states.

12 (g) A host track may accept interstate simulcast wagers on
13 horse races conducted in other states or countries and shall
14 control the number of signals and types of breeds of racing in
15 its simulcast program, subject to the disapproval of the Board.
16 The Board may prohibit a simulcast program only if it finds
17 that the simulcast program is clearly adverse to the integrity
18 of racing. The host track simulcast program shall include the
19 signal of live racing of all organization licensees. All
20 non-host licensees and advance deposit wagering licensees
21 shall carry the signal of and accept wagers on live racing of
22 all organization licensees. Advance deposit wagering licensees
23 shall not be permitted to accept out-of-state wagers on any
24 Illinois signal provided pursuant to this Section without the
25 approval and consent of the organization licensee providing the
26 signal. Non-host licensees may carry the host track simulcast

1 program and shall accept wagers on all races included as part
2 of the simulcast program upon which wagering is permitted. All
3 organization licensees shall provide their live signal to all
4 advance deposit wagering licensees for a simulcast commission
5 fee not to exceed 6% of the advance deposit wagering licensee's
6 Illinois handle on the organization licensee's signal without
7 prior approval by the Board. The Board may adopt rules under
8 which it may permit simulcast commission fees in excess of 6%.
9 The Board shall adopt rules limiting the interstate commission
10 fees charged to an advance deposit wagering licensee. The Board
11 shall adopt rules regarding advance deposit wagering on
12 interstate simulcast races that shall reflect, among other
13 things, the General Assembly's desire to maximize revenues to
14 the State, horsemen purses, and organizational licensees.
15 However, organization licensees providing live signals
16 pursuant to the requirements of this subsection (g) may
17 petition the Board to withhold their live signals from an
18 advance deposit wagering licensee if the organization licensee
19 discovers and the Board finds reputable or credible information
20 that the advance deposit wagering licensee is under
21 investigation by another state or federal governmental agency,
22 the advance deposit wagering licensee's license has been
23 suspended in another state, or the advance deposit wagering
24 licensee's license is in revocation proceedings in another
25 state. The organization licensee's provision of their live
26 signal to an advance deposit wagering licensee under this

1 subsection (g) pertains to wagers placed from within Illinois.
2 Advance deposit wagering licensees may place advance deposit
3 wagering terminals at wagering facilities as a convenience to
4 customers. The advance deposit wagering licensee shall not
5 charge or collect any fee from purses for the placement of the
6 advance deposit wagering terminals. The costs and expenses of
7 the host track and non-host licensees associated with
8 interstate simulcast wagering, other than the interstate
9 commission fee, shall be borne by the host track and all
10 non-host licensees incurring these costs. The interstate
11 commission fee shall not exceed 5% of Illinois handle on the
12 interstate simulcast race or races without prior approval of
13 the Board. The Board shall promulgate rules under which it may
14 permit interstate commission fees in excess of 5%. The
15 interstate commission fee and other fees charged by the sending
16 racetrack, including, but not limited to, satellite decoder
17 fees, shall be uniformly applied to the host track and all
18 non-host licensees.

19 Notwithstanding any other provision of this Act, for a
20 period of 3 years after the effective date of this amendatory
21 Act of the 96th General Assembly, an organization licensee may
22 maintain a system whereby advance deposit wagering may take
23 place or an organization licensee, with the consent of the
24 horsemen association representing the largest number of
25 owners, trainers, jockeys, or standardbred drivers who race
26 horses at that organization licensee's racing meeting, may

1 contract with another person to carry out a system of advance
2 deposit wagering. Such consent may not be unreasonably
3 withheld. All advance deposit wagers placed from within
4 Illinois must be placed through a Board-approved advance
5 deposit wagering licensee; no other entity may accept an
6 advance deposit wager from a person within Illinois. All
7 advance deposit wagering is subject to any rules adopted by the
8 Board. The Board may adopt rules necessary to regulate advance
9 deposit wagering through the use of emergency rulemaking in
10 accordance with Section 5-45 of the Illinois Administrative
11 Procedure Act. The General Assembly finds that the adoption of
12 rules to regulate advance deposit wagering is deemed an
13 emergency and necessary for the public interest, safety, and
14 welfare. An advance deposit wagering licensee may retain all
15 moneys as agreed to by contract with an organization licensee.
16 Any moneys retained by the organization licensee from advance
17 deposit wagering, not including moneys retained by the advance
18 deposit wagering licensee, shall be paid 50% to the
19 organization licensee's purse account and 50% to the
20 organization licensee. If more than one breed races at the same
21 race track facility, then the 50% of the moneys to be paid to
22 an organization licensee's purse account shall be allocated
23 among all organization licensees' purse accounts operating at
24 that race track facility proportionately based on the actual
25 number of host days that the Board grants to that breed at that
26 race track facility in the current calendar year. To the extent

1 any fees from advance deposit wagering conducted in Illinois
2 for wagers in Illinois or other states have been placed in
3 escrow or otherwise withheld from wagers pending a
4 determination of the legality of advance deposit wagering, no
5 action shall be brought to declare such wagers or the
6 disbursement of any fees previously escrowed illegal.

7 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an
8 intertrack wagering licensee other than the host track may
9 supplement the host track simulcast program with
10 additional simulcast races or race programs, provided that
11 between January 1 and the third Friday in February of any
12 year, inclusive, if no live thoroughbred racing is
13 occurring in Illinois during this period, only
14 thoroughbred races may be used for supplemental interstate
15 simulcast purposes. The Board shall withhold approval for a
16 supplemental interstate simulcast only if it finds that the
17 simulcast is clearly adverse to the integrity of racing. A
18 supplemental interstate simulcast may be transmitted from
19 an intertrack wagering licensee to its affiliated non-host
20 licensees. The interstate commission fee for a
21 supplemental interstate simulcast shall be paid by the
22 non-host licensee and its affiliated non-host licensees
23 receiving the simulcast.

24 (2) Between the hours of 6:30 p.m. and 6:30 a.m. an
25 intertrack wagering licensee other than the host track may
26 receive supplemental interstate simulcasts only with the

1 consent of the host track, except when the Board finds that
2 the simulcast is clearly adverse to the integrity of
3 racing. Consent granted under this paragraph (2) to any
4 intertrack wagering licensee shall be deemed consent to all
5 non-host licensees. The interstate commission fee for the
6 supplemental interstate simulcast shall be paid by all
7 participating non-host licensees.

8 (3) Each licensee conducting interstate simulcast
9 wagering may retain, subject to the payment of all
10 applicable taxes and the purses, an amount not to exceed
11 17% of all money wagered. If any licensee conducts the
12 pari-mutuel system wagering on races conducted at
13 racetracks in another state or country, each such race or
14 race program shall be considered a separate racing day for
15 the purpose of determining the daily handle and computing
16 the privilege tax of that daily handle as provided in
17 subsection (a) of Section 27. Until January 1, 2000, from
18 the sums permitted to be retained pursuant to this
19 subsection, each intertrack wagering location licensee
20 shall pay 1% of the pari-mutuel handle wagered on simulcast
21 wagering to the Horse Racing Tax Allocation Fund, subject
22 to the provisions of subparagraph (B) of paragraph (11) of
23 subsection (h) of Section 26 of this Act.

24 (4) A licensee who receives an interstate simulcast may
25 combine its gross or net pools with pools at the sending
26 racetracks pursuant to rules established by the Board. All

1 licenses combining their gross pools at a sending
2 racetrack shall adopt the take-out percentages of the
3 sending racetrack. A licensee may also establish a separate
4 pool and takeout structure for wagering purposes on races
5 conducted at race tracks outside of the State of Illinois.
6 The licensee may permit pari-mutuel wagers placed in other
7 states or countries to be combined with its gross or net
8 wagering pools or other wagering pools.

9 (5) After the payment of the interstate commission fee
10 (except for the interstate commission fee on a supplemental
11 interstate simulcast, which shall be paid by the host track
12 and by each non-host licensee through the host-track) and
13 all applicable State and local taxes, except as provided in
14 subsection (g) of Section 27 of this Act, the remainder of
15 moneys retained from simulcast wagering pursuant to this
16 subsection (g), and Section 26.2 shall be divided as
17 follows:

18 (A) For interstate simulcast wagers made at a host
19 track, 50% to the host track and 50% to purses at the
20 host track.

21 (B) For wagers placed on interstate simulcast
22 races, supplemental simulcasts as defined in
23 subparagraphs (1) and (2), and separately pooled races
24 conducted outside of the State of Illinois made at a
25 non-host licensee, 25% to the host track, 25% to the
26 non-host licensee, and 50% to the purses at the host

1 track.

2 (6) Notwithstanding any provision in this Act to the
3 contrary, non-host licensees who derive their licenses
4 from a track located in a county with a population in
5 excess of 230,000 and that borders the Mississippi River
6 may receive supplemental interstate simulcast races at all
7 times subject to Board approval, which shall be withheld
8 only upon a finding that a supplemental interstate
9 simulcast is clearly adverse to the integrity of racing.

10 (7) Notwithstanding any provision of this Act to the
11 contrary, after payment of all applicable State and local
12 taxes and interstate commission fees, non-host licensees
13 who derive their licenses from a track located in a county
14 with a population in excess of 230,000 and that borders the
15 Mississippi River shall retain 50% of the retention from
16 interstate simulcast wagers and shall pay 50% to purses at
17 the track from which the non-host licensee derives its
18 license as follows:

19 (A) Between January 1 and the third Friday in
20 February, inclusive, if no live thoroughbred racing is
21 occurring in Illinois during this period, when the
22 interstate simulcast is a standardbred race, the purse
23 share to its standardbred purse account;

24 (B) Between January 1 and the third Friday in
25 February, inclusive, if no live thoroughbred racing is
26 occurring in Illinois during this period, and the

1 interstate simulcast is a thoroughbred race, the purse
2 share to its interstate simulcast purse pool to be
3 distributed under paragraph (10) of this subsection
4 (g);

5 (C) Between January 1 and the third Friday in
6 February, inclusive, if live thoroughbred racing is
7 occurring in Illinois, between 6:30 a.m. and 6:30 p.m.
8 the purse share from wagers made during this time
9 period to its thoroughbred purse account and between
10 6:30 p.m. and 6:30 a.m. the purse share from wagers
11 made during this time period to its standardbred purse
12 accounts;

13 (D) Between the third Saturday in February and
14 December 31, when the interstate simulcast occurs
15 between the hours of 6:30 a.m. and 6:30 p.m., the purse
16 share to its thoroughbred purse account;

17 (E) Between the third Saturday in February and
18 December 31, when the interstate simulcast occurs
19 between the hours of 6:30 p.m. and 6:30 a.m., the purse
20 share to its standardbred purse account.

21 (7.1) Notwithstanding any other provision of this Act
22 to the contrary, if no standardbred racing is conducted at
23 a racetrack located in Madison County during any calendar
24 year beginning on or after January 1, 2002, all moneys
25 derived by that racetrack from simulcast wagering and
26 inter-track wagering that (1) are to be used for purses and

1 (2) are generated between the hours of 6:30 p.m. and 6:30
2 a.m. during that calendar year shall be paid as follows:

3 (A) If the licensee that conducts horse racing at
4 that racetrack requests from the Board at least as many
5 racing dates as were conducted in calendar year 2000,
6 80% shall be paid to its thoroughbred purse account;
7 and

8 (B) Twenty percent shall be deposited into the
9 Illinois Colt Stakes Purse Distribution Fund and shall
10 be paid to purses for standardbred races for Illinois
11 conceived and foaled horses conducted at any county
12 fairgrounds. The moneys deposited into the Fund
13 pursuant to this subparagraph (B) shall be deposited
14 within 2 weeks after the day they were generated, shall
15 be in addition to and not in lieu of any other moneys
16 paid to standardbred purses under this Act, and shall
17 not be commingled with other moneys paid into that
18 Fund. The moneys deposited pursuant to this
19 subparagraph (B) shall be allocated as provided by the
20 Department of Agriculture, with the advice and
21 assistance of the Illinois Standardbred Breeders Fund
22 Advisory Board.

23 (7.2) Notwithstanding any other provision of this Act
24 to the contrary, if no thoroughbred racing is conducted at
25 a racetrack located in Madison County during any calendar
26 year beginning on or after January 1, 2002, all moneys

1 derived by that racetrack from simulcast wagering and
2 inter-track wagering that (1) are to be used for purses and
3 (2) are generated between the hours of 6:30 a.m. and 6:30
4 p.m. during that calendar year shall be deposited as
5 follows:

6 (A) If the licensee that conducts horse racing at
7 that racetrack requests from the Board at least as many
8 racing dates as were conducted in calendar year 2000,
9 80% shall be deposited into its standardbred purse
10 account; and

11 (B) Twenty percent shall be deposited into the
12 Illinois Colt Stakes Purse Distribution Fund. Moneys
13 deposited into the Illinois Colt Stakes Purse
14 Distribution Fund pursuant to this subparagraph (B)
15 shall be paid to Illinois conceived and foaled
16 thoroughbred breeders' programs and to thoroughbred
17 purses for races conducted at any county fairgrounds
18 for Illinois conceived and foaled horses at the
19 discretion of the Department of Agriculture, with the
20 advice and assistance of the Illinois Thoroughbred
21 Breeders Fund Advisory Board. The moneys deposited
22 into the Illinois Colt Stakes Purse Distribution Fund
23 pursuant to this subparagraph (B) shall be deposited
24 within 2 weeks after the day they were generated, shall
25 be in addition to and not in lieu of any other moneys
26 paid to thoroughbred purses under this Act, and shall

1 not be commingled with other moneys deposited into that
2 Fund.

3 (7.3) If no live standardbred racing is conducted at a
4 racetrack located in Madison County in calendar year 2000
5 or 2001, an organization licensee who is licensed to
6 conduct horse racing at that racetrack shall, before
7 January 1, 2002, pay all moneys derived from simulcast
8 wagering and inter-track wagering in calendar years 2000
9 and 2001 and paid into the licensee's standardbred purse
10 account as follows:

11 (A) Eighty percent to that licensee's thoroughbred
12 purse account to be used for thoroughbred purses; and

13 (B) Twenty percent to the Illinois Colt Stakes
14 Purse Distribution Fund.

15 Failure to make the payment to the Illinois Colt Stakes
16 Purse Distribution Fund before January 1, 2002 shall result
17 in the immediate revocation of the licensee's organization
18 license, inter-track wagering license, and inter-track
19 wagering location license.

20 Moneys paid into the Illinois Colt Stakes Purse
21 Distribution Fund pursuant to this paragraph (7.3) shall be
22 paid to purses for standardbred races for Illinois
23 conceived and foaled horses conducted at any county
24 fairgrounds. Moneys paid into the Illinois Colt Stakes
25 Purse Distribution Fund pursuant to this paragraph (7.3)
26 shall be used as determined by the Department of

1 Agriculture, with the advice and assistance of the Illinois
2 Standardbred Breeders Fund Advisory Board, shall be in
3 addition to and not in lieu of any other moneys paid to
4 standardbred purses under this Act, and shall not be
5 commingled with any other moneys paid into that Fund.

6 (7.4) If live standardbred racing is conducted at a
7 racetrack located in Madison County at any time in calendar
8 year 2001 before the payment required under paragraph (7.3)
9 has been made, the organization licensee who is licensed to
10 conduct racing at that racetrack shall pay all moneys
11 derived by that racetrack from simulcast wagering and
12 inter-track wagering during calendar years 2000 and 2001
13 that (1) are to be used for purses and (2) are generated
14 between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or
15 2001 to the standardbred purse account at that racetrack to
16 be used for standardbred purses.

17 (8) Notwithstanding any provision in this Act to the
18 contrary, an organization licensee from a track located in
19 a county with a population in excess of 230,000 and that
20 borders the Mississippi River and its affiliated non-host
21 licensees shall not be entitled to share in any retention
22 generated on racing, inter-track wagering, or simulcast
23 wagering at any other Illinois wagering facility.

24 (8.1) Notwithstanding any provisions in this Act to the
25 contrary, if 2 organization licensees are conducting
26 standardbred race meetings concurrently between the hours

1 of 6:30 p.m. and 6:30 a.m., after payment of all applicable
2 State and local taxes and interstate commission fees, the
3 remainder of the amount retained from simulcast wagering
4 otherwise attributable to the host track and to host track
5 purses shall be split daily between the 2 organization
6 licensees and the purses at the tracks of the 2
7 organization licensees, respectively, based on each
8 organization licensee's share of the total live handle for
9 that day, provided that this provision shall not apply to
10 any non-host licensee that derives its license from a track
11 located in a county with a population in excess of 230,000
12 and that borders the Mississippi River.

13 (9) (Blank).

14 (10) (Blank).

15 (11) (Blank).

16 (12) The Board shall have authority to compel all host
17 tracks to receive the simulcast of any or all races
18 conducted at the Springfield or DuQuoin State fairgrounds
19 and include all such races as part of their simulcast
20 programs.

21 (13) Notwithstanding any other provision of this Act,
22 in the event that the total Illinois pari-mutuel handle on
23 Illinois horse races at all wagering facilities in any
24 calendar year is less than 75% of the total Illinois
25 pari-mutuel handle on Illinois horse races at all such
26 wagering facilities for calendar year 1994, then each

1 wagering facility that has an annual total Illinois
2 pari-mutuel handle on Illinois horse races that is less
3 than 75% of the total Illinois pari-mutuel handle on
4 Illinois horse races at such wagering facility for calendar
5 year 1994, shall be permitted to receive, from any amount
6 otherwise payable to the purse account at the race track
7 with which the wagering facility is affiliated in the
8 succeeding calendar year, an amount equal to 2% of the
9 differential in total Illinois pari-mutuel handle on
10 Illinois horse races at the wagering facility between that
11 calendar year in question and 1994 provided, however, that
12 a wagering facility shall not be entitled to any such
13 payment until the Board certifies in writing to the
14 wagering facility the amount to which the wagering facility
15 is entitled and a schedule for payment of the amount to the
16 wagering facility, based on: (i) the racing dates awarded
17 to the race track affiliated with the wagering facility
18 during the succeeding year; (ii) the sums available or
19 anticipated to be available in the purse account of the
20 race track affiliated with the wagering facility for purses
21 during the succeeding year; and (iii) the need to ensure
22 reasonable purse levels during the payment period. The
23 Board's certification shall be provided no later than
24 January 31 of the succeeding year. In the event a wagering
25 facility entitled to a payment under this paragraph (13) is
26 affiliated with a race track that maintains purse accounts

1 for both standardbred and thoroughbred racing, the amount
2 to be paid to the wagering facility shall be divided
3 between each purse account pro rata, based on the amount of
4 Illinois handle on Illinois standardbred and thoroughbred
5 racing respectively at the wagering facility during the
6 previous calendar year. Annually, the General Assembly
7 shall appropriate sufficient funds from the General
8 Revenue Fund to the Department of Agriculture for payment
9 into the thoroughbred and standardbred horse racing purse
10 accounts at Illinois pari-mutuel tracks. The amount paid to
11 each purse account shall be the amount certified by the
12 Illinois Racing Board in January to be transferred from
13 each account to each eligible racing facility in accordance
14 with the provisions of this Section. Beginning in the
15 calendar year in which an organization licensee that is
16 eligible to receive payment under this paragraph (13)
17 begins to receive funds from the Horse Racing Impact Fee
18 Fund, the amount of the payment due to all wagering
19 facilities licensed under that organization licensee under
20 this paragraph (13) shall be the amount certified by the
21 Board in January of that year. An organization licensee and
22 its related wagering facilities shall no longer be able to
23 receive payments under this paragraph (13) beginning in the
24 year subsequent to the first year in which the organization
25 licensee begins to receive funds from the Horse Racing
26 Impact Fee Fund.

1 (h) The Board may approve and license the conduct of
2 inter-track wagering and simulcast wagering by inter-track
3 wagering licensees and inter-track wagering location licensees
4 subject to the following terms and conditions:

5 (1) Any person licensed to conduct a race meeting (i)
6 at a track where 60 or more days of racing were conducted
7 during the immediately preceding calendar year or where
8 over the 5 immediately preceding calendar years an average
9 of 30 or more days of racing were conducted annually may be
10 issued an inter-track wagering license; (ii) at a track
11 located in a county that is bounded by the Mississippi
12 River, which has a population of less than 150,000
13 according to the 1990 decennial census, and an average of
14 at least 60 days of racing per year between 1985 and 1993
15 may be issued an inter-track wagering license; or (iii) at
16 a track located in Madison County that conducted at least
17 100 days of live racing during the immediately preceding
18 calendar year may be issued an inter-track wagering
19 license, unless a lesser schedule of live racing is the
20 result of (A) weather, unsafe track conditions, or other
21 acts of God; (B) an agreement between the organization
22 licensee and the associations representing the largest
23 number of owners, trainers, jockeys, or standardbred
24 drivers who race horses at that organization licensee's
25 racing meeting; or (C) a finding by the Board of
26 extraordinary circumstances and that it was in the best

1 interest of the public and the sport to conduct fewer than
2 100 days of live racing. Any such person having operating
3 control of the racing facility may also receive up to 6
4 inter-track wagering location licenses. In no event shall
5 more than 6 inter-track wagering locations be established
6 for each eligible race track, except that an eligible race
7 track located in a county that has a population of more
8 than 230,000 and that is bounded by the Mississippi River
9 may establish up to 7 inter-track wagering locations. An
10 application for said license shall be filed with the Board
11 prior to such dates as may be fixed by the Board. With an
12 application for an inter-track wagering location license
13 there shall be delivered to the Board a certified check or
14 bank draft payable to the order of the Board for an amount
15 equal to \$500. The application shall be on forms prescribed
16 and furnished by the Board. The application shall comply
17 with all other rules, regulations and conditions imposed by
18 the Board in connection therewith.

19 (2) The Board shall examine the applications with
20 respect to their conformity with this Act and the rules and
21 regulations imposed by the Board. If found to be in
22 compliance with the Act and rules and regulations of the
23 Board, the Board may then issue a license to conduct
24 inter-track wagering and simulcast wagering to such
25 applicant. All such applications shall be acted upon by the
26 Board at a meeting to be held on such date as may be fixed

1 by the Board.

2 (3) In granting licenses to conduct inter-track
3 wagering and simulcast wagering, the Board shall give due
4 consideration to the best interests of the public, of horse
5 racing, and of maximizing revenue to the State.

6 (4) Prior to the issuance of a license to conduct
7 inter-track wagering and simulcast wagering, the applicant
8 shall file with the Board a bond payable to the State of
9 Illinois in the sum of \$50,000, executed by the applicant
10 and a surety company or companies authorized to do business
11 in this State, and conditioned upon (i) the payment by the
12 licensee of all taxes due under Section 27 or 27.1 and any
13 other monies due and payable under this Act, and (ii)
14 distribution by the licensee, upon presentation of the
15 winning ticket or tickets, of all sums payable to the
16 patrons of pari-mutuel pools.

17 (5) Each license to conduct inter-track wagering and
18 simulcast wagering shall specify the person to whom it is
19 issued, the dates on which such wagering is permitted, and
20 the track or location where the wagering is to be
21 conducted.

22 (6) All wagering under such license is subject to this
23 Act and to the rules and regulations from time to time
24 prescribed by the Board, and every such license issued by
25 the Board shall contain a recital to that effect.

26 (7) An inter-track wagering licensee or inter-track

1 wagering location licensee may accept wagers at the track
2 or location where it is licensed, or as otherwise provided
3 under this Act.

4 (8) Inter-track wagering or simulcast wagering shall
5 not be conducted at any track less than 4 ~~5~~ miles from a
6 track at which a racing meeting is in progress.

7 (8.1) Inter-track wagering location licensees who
8 derive their licenses from a particular organization
9 licensee shall conduct inter-track wagering and simulcast
10 wagering only at locations which are either within 90 miles
11 of that race track where the particular organization
12 licensee is licensed to conduct racing, or within 135 miles
13 of that race track where the particular organization
14 licensee is licensed to conduct racing in the case of race
15 tracks in counties of less than 400,000 that were operating
16 on or before June 1, 1986. However, inter-track wagering
17 and simulcast wagering shall not be conducted by those
18 licensees at any location within 5 miles of any race track
19 at which a horse race meeting has been licensed in the
20 current year, unless the person having operating control of
21 such race track has given its written consent to such
22 inter-track wagering location licensees, which consent
23 must be filed with the Board at or prior to the time
24 application is made.

25 (8.2) Inter-track wagering or simulcast wagering shall
26 not be conducted by an inter-track wagering location

1 licensee at any location within 500 feet of an existing
2 church, an ~~or~~ existing elementary or secondary public
3 school, or an existing elementary or secondary private
4 school registered with or recognized by the State Board of
5 Education ~~school~~, nor within 500 feet of the residences of
6 more than 50 registered voters without receiving written
7 permission from a majority of the registered voters at such
8 residences. Such written permission statements shall be
9 filed with the Board. The distance of 500 feet shall be
10 measured to the nearest part of any building used for
11 worship services, education programs, residential
12 purposes, or conducting inter-track wagering by an
13 inter-track wagering location licensee, and not to
14 property boundaries. However, inter-track wagering or
15 simulcast wagering may be conducted at a site within 500
16 feet of a church, school or residences of 50 or more
17 registered voters if such church, school or residences have
18 been erected or established, or such voters have been
19 registered, after the Board issues the original
20 inter-track wagering location license at the site in
21 question. Inter-track wagering location licensees may
22 conduct inter-track wagering and simulcast wagering only
23 in areas that are zoned for commercial or manufacturing
24 purposes or in areas for which a special use has been
25 approved by the local zoning authority. However, no license
26 to conduct inter-track wagering and simulcast wagering

1 shall be granted by the Board with respect to any
2 inter-track wagering location within the jurisdiction of
3 any local zoning authority which has, by ordinance or by
4 resolution, prohibited the establishment of an inter-track
5 wagering location within its jurisdiction. However,
6 inter-track wagering and simulcast wagering may be
7 conducted at a site if such ordinance or resolution is
8 enacted after the Board licenses the original inter-track
9 wagering location licensee for the site in question.

10 (9) (Blank).

11 (10) An inter-track wagering licensee or an
12 inter-track wagering location licensee may retain, subject
13 to the payment of the privilege taxes and the purses, an
14 amount not to exceed 17% of all money wagered. Each program
15 of racing conducted by each inter-track wagering licensee
16 or inter-track wagering location licensee shall be
17 considered a separate racing day for the purpose of
18 determining the daily handle and computing the privilege
19 tax or pari-mutuel tax on such daily handle as provided in
20 Section 27.

21 (10.1) Except as provided in subsection (g) of Section
22 27 of this Act, inter-track wagering location licensees
23 shall pay 1% of the pari-mutuel handle at each location to
24 the municipality in which such location is situated and 1%
25 of the pari-mutuel handle at each location to the county in
26 which such location is situated. In the event that an

1 inter-track wagering location licensee is situated in an
2 unincorporated area of a county, such licensee shall pay 2%
3 of the pari-mutuel handle from such location to such
4 county.

5 (10.2) Notwithstanding any other provision of this
6 Act, with respect to intertrack wagering at a race track
7 located in a county that has a population of more than
8 230,000 and that is bounded by the Mississippi River ("the
9 first race track"), or at a facility operated by an
10 inter-track wagering licensee or inter-track wagering
11 location licensee that derives its license from the
12 organization licensee that operates the first race track,
13 on races conducted at the first race track or on races
14 conducted at another Illinois race track and
15 simultaneously televised to the first race track or to a
16 facility operated by an inter-track wagering licensee or
17 inter-track wagering location licensee that derives its
18 license from the organization licensee that operates the
19 first race track, those moneys shall be allocated as
20 follows:

21 (A) That portion of all moneys wagered on
22 standardbred racing that is required under this Act to
23 be paid to purses shall be paid to purses for
24 standardbred races.

25 (B) That portion of all moneys wagered on
26 thoroughbred racing that is required under this Act to

1 be paid to purses shall be paid to purses for
2 thoroughbred races.

3 (11) (A) After payment of the privilege or pari-mutuel
4 tax, any other applicable taxes, and the costs and expenses
5 in connection with the gathering, transmission, and
6 dissemination of all data necessary to the conduct of
7 inter-track wagering, the remainder of the monies retained
8 under either Section 26 or Section 26.2 of this Act by the
9 inter-track wagering licensee on inter-track wagering
10 shall be allocated with 50% to be split between the 2
11 participating licensees and 50% to purses, except that an
12 intertrack wagering licensee that derives its license from
13 a track located in a county with a population in excess of
14 230,000 and that borders the Mississippi River shall not
15 divide any remaining retention with the Illinois
16 organization licensee that provides the race or races, and
17 an intertrack wagering licensee that accepts wagers on
18 races conducted by an organization licensee that conducts a
19 race meet in a county with a population in excess of
20 230,000 and that borders the Mississippi River shall not
21 divide any remaining retention with that organization
22 licensee.

23 (B) From the sums permitted to be retained pursuant to
24 this Act each inter-track wagering location licensee shall
25 pay (i) the privilege or pari-mutuel tax to the State; (ii)
26 4.75% of the pari-mutuel handle on intertrack wagering at

1 such location on races as purses, except that an intertrack
2 wagering location licensee that derives its license from a
3 track located in a county with a population in excess of
4 230,000 and that borders the Mississippi River shall retain
5 all purse moneys for its own purse account consistent with
6 distribution set forth in this subsection (h), and
7 intertrack wagering location licensees that accept wagers
8 on races conducted by an organization licensee located in a
9 county with a population in excess of 230,000 and that
10 borders the Mississippi River shall distribute all purse
11 moneys to purses at the operating host track; (iii) until
12 January 1, 2000, except as provided in subsection (g) of
13 Section 27 of this Act, 1% of the pari-mutuel handle
14 wagered on inter-track wagering and simulcast wagering at
15 each inter-track wagering location licensee facility to
16 the Horse Racing Tax Allocation Fund, provided that, to the
17 extent the total amount collected and distributed to the
18 Horse Racing Tax Allocation Fund under this subsection (h)
19 during any calendar year exceeds the amount collected and
20 distributed to the Horse Racing Tax Allocation Fund during
21 calendar year 1994, that excess amount shall be
22 redistributed (I) to all inter-track wagering location
23 licensees, based on each licensee's pro-rata share of the
24 total handle from inter-track wagering and simulcast
25 wagering for all inter-track wagering location licensees
26 during the calendar year in which this provision is

1 applicable; then (II) the amounts redistributed to each
2 inter-track wagering location licensee as described in
3 subpart (I) shall be further redistributed as provided in
4 subparagraph (B) of paragraph (5) of subsection (g) of this
5 Section 26 provided first, that the shares of those
6 amounts, which are to be redistributed to the host track or
7 to purses at the host track under subparagraph (B) of
8 paragraph (5) of subsection (g) of this Section 26 shall be
9 redistributed based on each host track's pro rata share of
10 the total inter-track wagering and simulcast wagering
11 handle at all host tracks during the calendar year in
12 question, and second, that any amounts redistributed as
13 described in part (I) to an inter-track wagering location
14 licensee that accepts wagers on races conducted by an
15 organization licensee that conducts a race meet in a county
16 with a population in excess of 230,000 and that borders the
17 Mississippi River shall be further redistributed as
18 provided in subparagraphs (D) and (E) of paragraph (7) of
19 subsection (g) of this Section 26, with the portion of that
20 further redistribution allocated to purses at that
21 organization licensee to be divided between standardbred
22 purses and thoroughbred purses based on the amounts
23 otherwise allocated to purses at that organization
24 licensee during the calendar year in question; and (iv) 8%
25 of the pari-mutuel handle on inter-track wagering wagered
26 at such location to satisfy all costs and expenses of

1 conducting its wagering. The remainder of the monies
2 retained by the inter-track wagering location licensee
3 shall be allocated 40% to the location licensee and 60% to
4 the organization licensee which provides the Illinois
5 races to the location, except that an intertrack wagering
6 location licensee that derives its license from a track
7 located in a county with a population in excess of 230,000
8 and that borders the Mississippi River shall not divide any
9 remaining retention with the organization licensee that
10 provides the race or races and an intertrack wagering
11 location licensee that accepts wagers on races conducted by
12 an organization licensee that conducts a race meet in a
13 county with a population in excess of 230,000 and that
14 borders the Mississippi River shall not divide any
15 remaining retention with the organization licensee.
16 Notwithstanding the provisions of clauses (ii) and (iv) of
17 this paragraph, in the case of the additional inter-track
18 wagering location licenses authorized under paragraph (1)
19 of this subsection (h) by this amendatory Act of 1991,
20 those licensees shall pay the following amounts as purses:
21 during the first 12 months the licensee is in operation,
22 5.25% of the pari-mutuel handle wagered at the location on
23 races; during the second 12 months, 5.25%; during the third
24 12 months, 5.75%; during the fourth 12 months, 6.25%; and
25 during the fifth 12 months and thereafter, 6.75%. The
26 following amounts shall be retained by the licensee to

1 satisfy all costs and expenses of conducting its wagering:
2 during the first 12 months the licensee is in operation,
3 8.25% of the pari-mutuel handle wagered at the location;
4 during the second 12 months, 8.25%; during the third 12
5 months, 7.75%; during the fourth 12 months, 7.25%; and
6 during the fifth 12 months and thereafter, 6.75%. For
7 additional intertrack wagering location licensees
8 authorized under this amendatory Act of 1995, purses for
9 the first 12 months the licensee is in operation shall be
10 5.75% of the pari-mutuel wagered at the location, purses
11 for the second 12 months the licensee is in operation shall
12 be 6.25%, and purses thereafter shall be 6.75%. For
13 additional intertrack location licensees authorized under
14 this amendatory Act of 1995, the licensee shall be allowed
15 to retain to satisfy all costs and expenses: 7.75% of the
16 pari-mutuel handle wagered at the location during its first
17 12 months of operation, 7.25% during its second 12 months
18 of operation, and 6.75% thereafter.

19 (C) There is hereby created the Horse Racing Tax
20 Allocation Fund which shall remain in existence until
21 December 31, 1999. Moneys remaining in the Fund after
22 December 31, 1999 shall be paid into the General Revenue
23 Fund. Until January 1, 2000, all monies paid into the Horse
24 Racing Tax Allocation Fund pursuant to this paragraph (11)
25 by inter-track wagering location licensees located in park
26 districts of 500,000 population or less, or in a

1 municipality that is not included within any park district
2 but is included within a conservation district and is the
3 county seat of a county that (i) is contiguous to the state
4 of Indiana and (ii) has a 1990 population of 88,257
5 according to the United States Bureau of the Census, and
6 operating on May 1, 1994 shall be allocated by
7 appropriation as follows:

8 Two-sevenths to the Department of Agriculture.
9 Fifty percent of this two-sevenths shall be used to
10 promote the Illinois horse racing and breeding
11 industry, and shall be distributed by the Department of
12 Agriculture upon the advice of a 9-member committee
13 appointed by the Governor consisting of the following
14 members: the Director of Agriculture, who shall serve
15 as chairman; 2 representatives of organization
16 licensees conducting thoroughbred race meetings in
17 this State, recommended by those licensees; 2
18 representatives of organization licensees conducting
19 standardbred race meetings in this State, recommended
20 by those licensees; a representative of the Illinois
21 Thoroughbred Breeders and Owners Foundation,
22 recommended by that Foundation; a representative of
23 the Illinois Standardbred Owners and Breeders
24 Association, recommended by that Association; a
25 representative of the Horsemen's Benevolent and
26 Protective Association or any successor organization

1 thereto established in Illinois comprised of the
2 largest number of owners and trainers, recommended by
3 that Association or that successor organization; and a
4 representative of the Illinois Harness Horsemen's
5 Association, recommended by that Association.
6 Committee members shall serve for terms of 2 years,
7 commencing January 1 of each even-numbered year. If a
8 representative of any of the above-named entities has
9 not been recommended by January 1 of any even-numbered
10 year, the Governor shall appoint a committee member to
11 fill that position. Committee members shall receive no
12 compensation for their services as members but shall be
13 reimbursed for all actual and necessary expenses and
14 disbursements incurred in the performance of their
15 official duties. The remaining 50% of this
16 two-sevenths shall be distributed to county fairs for
17 premiums and rehabilitation as set forth in the
18 Agricultural Fair Act;

19 Four-sevenths to park districts or municipalities
20 that do not have a park district of 500,000 population
21 or less for museum purposes (if an inter-track wagering
22 location licensee is located in such a park district)
23 or to conservation districts for museum purposes (if an
24 inter-track wagering location licensee is located in a
25 municipality that is not included within any park
26 district but is included within a conservation

1 district and is the county seat of a county that (i) is
2 contiguous to the state of Indiana and (ii) has a 1990
3 population of 88,257 according to the United States
4 Bureau of the Census, except that if the conservation
5 district does not maintain a museum, the monies shall
6 be allocated equally between the county and the
7 municipality in which the inter-track wagering
8 location licensee is located for general purposes) or
9 to a municipal recreation board for park purposes (if
10 an inter-track wagering location licensee is located
11 in a municipality that is not included within any park
12 district and park maintenance is the function of the
13 municipal recreation board and the municipality has a
14 1990 population of 9,302 according to the United States
15 Bureau of the Census); provided that the monies are
16 distributed to each park district or conservation
17 district or municipality that does not have a park
18 district in an amount equal to four-sevenths of the
19 amount collected by each inter-track wagering location
20 licensee within the park district or conservation
21 district or municipality for the Fund. Monies that were
22 paid into the Horse Racing Tax Allocation Fund before
23 the effective date of this amendatory Act of 1991 by an
24 inter-track wagering location licensee located in a
25 municipality that is not included within any park
26 district but is included within a conservation

1 district as provided in this paragraph shall, as soon
2 as practicable after the effective date of this
3 amendatory Act of 1991, be allocated and paid to that
4 conservation district as provided in this paragraph.
5 Any park district or municipality not maintaining a
6 museum may deposit the monies in the corporate fund of
7 the park district or municipality where the
8 inter-track wagering location is located, to be used
9 for general purposes; and

10 One-seventh to the Agricultural Premium Fund to be
11 used for distribution to agricultural home economics
12 extension councils in accordance with "An Act in
13 relation to additional support and finances for the
14 Agricultural and Home Economic Extension Councils in
15 the several counties of this State and making an
16 appropriation therefor", approved July 24, 1967.

17 Until January 1, 2000, all other monies paid into the
18 Horse Racing Tax Allocation Fund pursuant to this paragraph
19 (11) shall be allocated by appropriation as follows:

20 Two-sevenths to the Department of Agriculture.
21 Fifty percent of this two-sevenths shall be used to
22 promote the Illinois horse racing and breeding
23 industry, and shall be distributed by the Department of
24 Agriculture upon the advice of a 9-member committee
25 appointed by the Governor consisting of the following
26 members: the Director of Agriculture, who shall serve

1 as chairman; 2 representatives of organization
2 licensees conducting thoroughbred race meetings in
3 this State, recommended by those licensees; 2
4 representatives of organization licensees conducting
5 standardbred race meetings in this State, recommended
6 by those licensees; a representative of the Illinois
7 Thoroughbred Breeders and Owners Foundation,
8 recommended by that Foundation; a representative of
9 the Illinois Standardbred Owners and Breeders
10 Association, recommended by that Association; a
11 representative of the Horsemen's Benevolent and
12 Protective Association or any successor organization
13 thereto established in Illinois comprised of the
14 largest number of owners and trainers, recommended by
15 that Association or that successor organization; and a
16 representative of the Illinois Harness Horsemen's
17 Association, recommended by that Association.
18 Committee members shall serve for terms of 2 years,
19 commencing January 1 of each even-numbered year. If a
20 representative of any of the above-named entities has
21 not been recommended by January 1 of any even-numbered
22 year, the Governor shall appoint a committee member to
23 fill that position. Committee members shall receive no
24 compensation for their services as members but shall be
25 reimbursed for all actual and necessary expenses and
26 disbursements incurred in the performance of their

1 official duties. The remaining 50% of this
2 two-sevenths shall be distributed to county fairs for
3 premiums and rehabilitation as set forth in the
4 Agricultural Fair Act;

5 Four-sevenths to museums and aquariums located in
6 park districts of over 500,000 population; provided
7 that the monies are distributed in accordance with the
8 previous year's distribution of the maintenance tax
9 for such museums and aquariums as provided in Section 2
10 of the Park District Aquarium and Museum Act; and

11 One-seventh to the Agricultural Premium Fund to be
12 used for distribution to agricultural home economics
13 extension councils in accordance with "An Act in
14 relation to additional support and finances for the
15 Agricultural and Home Economic Extension Councils in
16 the several counties of this State and making an
17 appropriation therefor", approved July 24, 1967. This
18 subparagraph (C) shall be inoperative and of no force
19 and effect on and after January 1, 2000.

20 (D) Except as provided in paragraph (11) of this
21 subsection (h), with respect to purse allocation from
22 intertrack wagering, the monies so retained shall be
23 divided as follows:

24 (i) If the inter-track wagering licensee,
25 except an intertrack wagering licensee that
26 derives its license from an organization licensee

1 located in a county with a population in excess of
2 230,000 and bounded by the Mississippi River, is
3 not conducting its own race meeting during the same
4 dates, then the entire purse allocation shall be to
5 purses at the track where the races wagered on are
6 being conducted.

7 (ii) If the inter-track wagering licensee,
8 except an intertrack wagering licensee that
9 derives its license from an organization licensee
10 located in a county with a population in excess of
11 230,000 and bounded by the Mississippi River, is
12 also conducting its own race meeting during the
13 same dates, then the purse allocation shall be as
14 follows: 50% to purses at the track where the races
15 wagered on are being conducted; 50% to purses at
16 the track where the inter-track wagering licensee
17 is accepting such wagers.

18 (iii) If the inter-track wagering is being
19 conducted by an inter-track wagering location
20 licensee, except an intertrack wagering location
21 licensee that derives its license from an
22 organization licensee located in a county with a
23 population in excess of 230,000 and bounded by the
24 Mississippi River, the entire purse allocation for
25 Illinois races shall be to purses at the track
26 where the race meeting being wagered on is being

1 held.

2 (12) The Board shall have all powers necessary and
3 proper to fully supervise and control the conduct of
4 inter-track wagering and simulcast wagering by inter-track
5 wagering licensees and inter-track wagering location
6 licensees, including, but not limited to the following:

7 (A) The Board is vested with power to promulgate
8 reasonable rules and regulations for the purpose of
9 administering the conduct of this wagering and to
10 prescribe reasonable rules, regulations and conditions
11 under which such wagering shall be held and conducted.
12 Such rules and regulations are to provide for the
13 prevention of practices detrimental to the public
14 interest and for the best interests of said wagering
15 and to impose penalties for violations thereof.

16 (B) The Board, and any person or persons to whom it
17 delegates this power, is vested with the power to enter
18 the facilities of any licensee to determine whether
19 there has been compliance with the provisions of this
20 Act and the rules and regulations relating to the
21 conduct of such wagering.

22 (C) The Board, and any person or persons to whom it
23 delegates this power, may eject or exclude from any
24 licensee's facilities, any person whose conduct or
25 reputation is such that his presence on such premises
26 may, in the opinion of the Board, call into the

1 question the honesty and integrity of, or interfere
2 with the orderly conduct of such wagering; provided,
3 however, that no person shall be excluded or ejected
4 from such premises solely on the grounds of race,
5 color, creed, national origin, ancestry, or sex.

6 (D) (Blank).

7 (E) The Board is vested with the power to appoint
8 delegates to execute any of the powers granted to it
9 under this Section for the purpose of administering
10 this wagering and any rules and regulations
11 promulgated in accordance with this Act.

12 (F) The Board shall name and appoint a State
13 director of this wagering who shall be a representative
14 of the Board and whose duty it shall be to supervise
15 the conduct of inter-track wagering as may be provided
16 for by the rules and regulations of the Board; such
17 rules and regulation shall specify the method of
18 appointment and the Director's powers, authority and
19 duties.

20 (G) The Board is vested with the power to impose
21 civil penalties of up to \$5,000 against individuals and
22 up to \$10,000 against licensees for each violation of
23 any provision of this Act relating to the conduct of
24 this wagering, any rules adopted by the Board, any
25 order of the Board or any other action which in the
26 Board's discretion, is a detriment or impediment to

1 such wagering.

2 (13) The Department of Agriculture may enter into
3 agreements with licensees authorizing such licensees to
4 conduct inter-track wagering on races to be held at the
5 licensed race meetings conducted by the Department of
6 Agriculture. Such agreement shall specify the races of the
7 Department of Agriculture's licensed race meeting upon
8 which the licensees will conduct wagering. In the event
9 that a licensee conducts inter-track pari-mutuel wagering
10 on races from the Illinois State Fair or DuQuoin State Fair
11 which are in addition to the licensee's previously approved
12 racing program, those races shall be considered a separate
13 racing day for the purpose of determining the daily handle
14 and computing the privilege or pari-mutuel tax on that
15 daily handle as provided in Sections 27 and 27.1. Such
16 agreements shall be approved by the Board before such
17 wagering may be conducted. In determining whether to grant
18 approval, the Board shall give due consideration to the
19 best interests of the public and of horse racing. The
20 provisions of paragraphs (1), (8), (8.1), and (8.2) of
21 subsection (h) of this Section which are not specified in
22 this paragraph (13) shall not apply to licensed race
23 meetings conducted by the Department of Agriculture at the
24 Illinois State Fair in Sangamon County or the DuQuoin State
25 Fair in Perry County, or to any wagering conducted on those
26 race meetings.

1 (i) Notwithstanding the other provisions of this Act, the
2 conduct of wagering at wagering facilities is authorized on all
3 days, except as limited by subsection (b) of Section 19 of this
4 Act.

5 (Source: P.A. 96-762, eff. 8-25-09.)

6 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

7 Sec. 27. (a) In addition to the organization license fee
8 provided by this Act, until January 1, 2000, a graduated
9 privilege tax is hereby imposed for conducting the pari-mutuel
10 system of wagering permitted under this Act. Until January 1,
11 2000, except as provided in subsection (g) of Section 27 of
12 this Act, all of the breakage of each racing day held by any
13 licensee in the State shall be paid to the State. Until January
14 1, 2000, such daily graduated privilege tax shall be paid by
15 the licensee from the amount permitted to be retained under
16 this Act. Until January 1, 2000, each day's graduated privilege
17 tax, breakage, and Horse Racing Tax Allocation funds shall be
18 remitted to the Department of Revenue within 48 hours after the
19 close of the racing day upon which it is assessed or within
20 such other time as the Board prescribes. The privilege tax
21 hereby imposed, until January 1, 2000, shall be a flat tax at
22 the rate of 2% of the daily pari-mutuel handle except as
23 provided in Section 27.1.

24 In addition, every organization licensee, except as
25 provided in Section 27.1 of this Act, which conducts multiple

1 wagering shall pay, until January 1, 2000, as a privilege tax
2 on multiple wagers an amount equal to 1.25% of all moneys
3 wagered each day on such multiple wagers, plus an additional
4 amount equal to 3.5% of the amount wagered each day on any
5 other multiple wager which involves a single betting interest
6 on 3 or more horses. The licensee shall remit the amount of
7 such taxes to the Department of Revenue within 48 hours after
8 the close of the racing day on which it is assessed or within
9 such other time as the Board prescribes.

10 This subsection (a) shall be inoperative and of no force
11 and effect on and after January 1, 2000.

12 (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax
13 at the rate of 1.5% of the daily pari-mutuel handle is imposed
14 at all pari-mutuel wagering facilities and on advance deposit
15 wagering from a location other than a wagering facility, except
16 as otherwise provided for in this subsection (a-5). In addition
17 to the pari-mutuel tax imposed on advance deposit wagering
18 pursuant to this subsection (a-5), an additional pari-mutuel
19 tax at the rate of 0.25% shall be imposed on advance deposit
20 wagering, the amount of which shall not exceed \$250,000 in each
21 calendar year. The additional 0.25% pari-mutuel tax imposed on
22 advance deposit wagering by this amendatory Act of the 96th
23 General Assembly shall be deposited into the Quarter Horse
24 Purse Fund, which shall be created as a non-appropriated trust
25 fund administered by the Board for grants to thoroughbred
26 organization licensees for payment of purses for quarter horse

1 races conducted by the organization licensee. Thoroughbred
2 organization licensees may petition the Board to conduct
3 quarter horse racing and receive purse grants from the Quarter
4 Horse Purse Fund. The Board shall have complete discretion in
5 distributing the Quarter Horse Purse Fund to the petitioning
6 organization licensees. Beginning on the effective date of this
7 amendatory Act of the 96th General Assembly and until moneys
8 deposited pursuant to Section 54 are distributed and received,
9 a pari-mutuel tax at the rate of 0.75% of the daily pari-mutuel
10 handle is imposed at a pari-mutuel facility whose license is
11 derived from a track located in a county that borders the
12 Mississippi River and conducted live racing in the previous
13 year. After moneys deposited pursuant to Section 54 are
14 distributed and received, a pari-mutuel tax at the rate of 1.5%
15 of the daily pari-mutuel handle is imposed at a pari-mutuel
16 facility whose license is derived from a track located in a
17 county that borders the Mississippi River and conducted live
18 racing in the previous year. The pari-mutuel tax imposed by
19 this subsection (a-5) shall be remitted to the Department of
20 Revenue within 48 hours after the close of the racing day upon
21 which it is assessed or within such other time as the Board
22 prescribes.

23 (a-10) Beginning on the date when an organization licensee
24 begins receiving funds from the Horse Racing Impact Fee Fund,
25 the following pari-mutuel tax is imposed upon an organization
26 licensee on Illinois races at the licensee's race track:

1 1.5% of the pari-mutuel handle at or below the average
2 daily pari-mutuel handle for 2011.

3 2% of the pari-mutuel handle above the average daily
4 pari-mutuel handle for 2011 up to 125% of the average daily
5 pari-mutuel handle for 2011.

6 2.5% of the pari-mutuel handle 125% or more above the
7 average daily pari-mutuel handle for 2011 up to 150% of the
8 average daily pari-mutuel handle for 2011.

9 3% of the pari-mutuel handle 150% or more above the
10 average daily pari-mutuel handle for 2011 up to 175% of the
11 average daily pari-mutuel handle for 2011.

12 3.5% of the pari-mutuel handle 175% or more above the
13 average daily pari-mutuel handle for 2011.

14 The pari-mutuel tax imposed by this subsection (a-10) shall
15 be remitted to the Board within 48 hours after the close of the
16 racing day upon which it is assessed or within such other time
17 as the Board prescribes.

18 (b) On or before December 31, 1999, in the event that any
19 organization licensee conducts 2 separate programs of races on
20 any day, each such program shall be considered a separate
21 racing day for purposes of determining the daily handle and
22 computing the privilege tax on such daily handle as provided in
23 subsection (a) of this Section.

24 (c) Licensees shall at all times keep accurate books and
25 records of all monies wagered on each day of a race meeting and
26 of the taxes paid to the Department of Revenue under the

1 provisions of this Section. The Board or its duly authorized
2 representative or representatives shall at all reasonable
3 times have access to such records for the purpose of examining
4 and checking the same and ascertaining whether the proper
5 amount of taxes is being paid as provided. The Board shall
6 require verified reports and a statement of the total of all
7 monies wagered daily at each wagering facility upon which the
8 taxes are assessed and may prescribe forms upon which such
9 reports and statement shall be made.

10 (d) Any licensee failing or refusing to pay the amount of
11 any tax due under this Section shall be guilty of a business
12 offense and upon conviction shall be fined not more than \$5,000
13 in addition to the amount found due as tax under this Section.
14 Each day's violation shall constitute a separate offense. All
15 fines paid into Court by a licensee hereunder shall be
16 transmitted and paid over by the Clerk of the Court to the
17 Board.

18 (e) No other license fee, privilege tax, excise tax, or
19 racing fee, except as provided in this Act, shall be assessed
20 or collected from any such licensee by the State.

21 (f) No other license fee, privilege tax, excise tax or
22 racing fee shall be assessed or collected from any such
23 licensee by units of local government except as provided in
24 paragraph 10.1 of subsection (h) and subsection (f) of Section
25 26 of this Act. However, any municipality that has a Board
26 licensed horse race meeting at a race track wholly within its

1 corporate boundaries or a township that has a Board licensed
2 horse race meeting at a race track wholly within the
3 unincorporated area of the township may charge a local
4 amusement tax not to exceed 10¢ per admission to such horse
5 race meeting by the enactment of an ordinance. However, any
6 municipality or county that has a Board licensed inter-track
7 wagering location facility wholly within its corporate
8 boundaries may each impose an admission fee not to exceed \$1.00
9 per admission to such inter-track wagering location facility,
10 so that a total of not more than \$2.00 per admission may be
11 imposed. Except as provided in subparagraph (g) of Section 27
12 of this Act, the inter-track wagering location licensee shall
13 collect any and all such fees and within 48 hours remit the
14 fees to the Board, which shall, pursuant to rule, cause the
15 fees to be distributed to the county or municipality.

16 (g) Notwithstanding any provision in this Act to the
17 contrary, if in any calendar year the total taxes and fees from
18 wagering on live racing and from inter-track wagering required
19 to be collected from licensees and distributed under this Act
20 to all State and local governmental authorities exceeds the
21 amount of such taxes and fees distributed to each State and
22 local governmental authority to which each State and local
23 governmental authority was entitled under this Act for calendar
24 year 1994, then the first \$11 million of that excess amount
25 shall be allocated at the earliest possible date for
26 distribution as purse money for the succeeding calendar year.

1 Upon reaching the 1994 level, and until the excess amount of
2 taxes and fees exceeds \$11 million, the Board shall direct all
3 licensees to cease paying the subject taxes and fees and the
4 Board shall direct all licensees to allocate any such excess
5 amount for purses as follows:

6 (i) the excess amount shall be initially divided
7 between thoroughbred and standardbred purses based on the
8 thoroughbred's and standardbred's respective percentages
9 of total Illinois live wagering in calendar year 1994;

10 (ii) each thoroughbred and standardbred organization
11 licensee issued an organization licensee in that
12 succeeding allocation year shall be allocated an amount
13 equal to the product of its percentage of total Illinois
14 live thoroughbred or standardbred wagering in calendar
15 year 1994 (the total to be determined based on the sum of
16 1994 on-track wagering for all organization licensees
17 issued organization licenses in both the allocation year
18 and the preceding year) multiplied by the total amount
19 allocated for standardbred or thoroughbred purses,
20 provided that the first \$1,500,000 of the amount allocated
21 to standardbred purses under item (i) shall be allocated to
22 the Department of Agriculture to be expended with the
23 assistance and advice of the Illinois Standardbred
24 Breeders Funds Advisory Board for the purposes listed in
25 subsection (g) of Section 31 of this Act, before the amount
26 allocated to standardbred purses under item (i) is

1 allocated to standardbred organization licensees in the
2 succeeding allocation year.

3 To the extent the excess amount of taxes and fees to be
4 collected and distributed to State and local governmental
5 authorities exceeds \$11 million, that excess amount shall be
6 collected and distributed to State and local authorities as
7 provided for under this Act.

8 (Source: P.A. 96-762, eff. 8-25-09; 96-1287, eff. 7-26-10.)

9 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

10 Sec. 28. Except as provided in subsection (g) of Section 27
11 of this Act, moneys collected shall be distributed according to
12 the provisions of this Section 28.

13 (a) Thirty per cent of the total of all monies received by
14 the State as privilege taxes shall be paid into the
15 Metropolitan Exposition Auditorium and Office Building Fund in
16 the State Treasury.

17 (b) In addition, 4.5% of the total of all monies received
18 by the State as privilege taxes shall be paid into the State
19 treasury into a special Fund to be known as the Metropolitan
20 Exposition, Auditorium, and Office Building Fund.

21 (c) Fifty per cent of the total of all monies received by
22 the State as privilege taxes under the provisions of this Act
23 shall be paid into the Agricultural Premium Fund.

24 (d) Seven per cent of the total of all monies received by
25 the State as privilege taxes shall be paid into the Fair and

1 Exposition Fund in the State treasury; provided, however, that
2 when all bonds issued prior to July 1, 1984 by the Metropolitan
3 Fair and Exposition Authority shall have been paid or payment
4 shall have been provided for upon a refunding of those bonds,
5 thereafter 1/12 of \$1,665,662 of such monies shall be paid each
6 month into the Build Illinois Fund, and the remainder into the
7 Fair and Exposition Fund. All excess monies shall be allocated
8 to the Department of Agriculture for distribution to county
9 fairs for premiums and rehabilitation as set forth in the
10 Agricultural Fair Act.

11 (e) The monies provided for in Section 30 shall be paid
12 into the Illinois Thoroughbred Breeders Fund.

13 (f) The monies provided for in Section 31 shall be paid
14 into the Illinois Standardbred Breeders Fund.

15 (g) Until January 1, 2000, that part representing 1/2 of
16 the total breakage in Thoroughbred, Harness, Appaloosa,
17 Arabian, and Quarter Horse racing in the State shall be paid
18 into the Illinois Race Track Improvement Fund as established in
19 Section 32.

20 (h) All other monies received by the Board under this Act
21 shall be paid into the Horse Racing Fund ~~General Revenue Fund~~
22 ~~of the State~~.

23 (i) The salaries of the Board members, secretary, stewards,
24 directors of mutuels, veterinarians, representatives,
25 accountants, clerks, stenographers, inspectors and other
26 employees of the Board, and all expenses of the Board incident

1 to the administration of this Act, including, but not limited
2 to, all expenses and salaries incident to the taking of saliva
3 and urine samples in accordance with the rules and regulations
4 of the Board shall be paid out of the Agricultural Premium
5 Fund.

6 (j) The Agricultural Premium Fund shall also be used:

7 (1) for the expenses of operating the Illinois State
8 Fair and the DuQuoin State Fair, including the payment of
9 prize money or premiums;

10 (2) for the distribution to county fairs, vocational
11 agriculture section fairs, agricultural societies, and
12 agricultural extension clubs in accordance with the
13 Agricultural Fair Act, as amended;

14 (3) for payment of prize monies and premiums awarded
15 and for expenses incurred in connection with the
16 International Livestock Exposition and the Mid-Continent
17 Livestock Exposition held in Illinois, which premiums, and
18 awards must be approved, and paid by the Illinois
19 Department of Agriculture;

20 (4) for personal service of county agricultural
21 advisors and county home advisors;

22 (5) for distribution to agricultural home economic
23 extension councils in accordance with "An Act in relation
24 to additional support and finance for the Agricultural and
25 Home Economic Extension Councils in the several counties in
26 this State and making an appropriation therefor", approved

1 July 24, 1967, as amended;

2 (6) for research on equine disease, including a
3 development center therefor;

4 (7) for training scholarships for study on equine
5 diseases to students at the University of Illinois College
6 of Veterinary Medicine;

7 (8) for the rehabilitation, repair and maintenance of
8 the Illinois and DuQuoin State Fair Grounds and the
9 structures and facilities thereon and the construction of
10 permanent improvements on such Fair Grounds, including
11 such structures, facilities and property located on such
12 State Fair Grounds which are under the custody and control
13 of the Department of Agriculture;

14 (9) for the expenses of the Department of Agriculture
15 under Section 5-530 of the Departments of State Government
16 Law (20 ILCS 5/5-530);

17 (10) for the expenses of the Department of Commerce and
18 Economic Opportunity under Sections 605-620, 605-625, and
19 605-630 of the Department of Commerce and Economic
20 Opportunity Law (20 ILCS 605/605-620, 605/605-625, and
21 605/605-630);

22 (11) for remodeling, expanding, and reconstructing
23 facilities destroyed by fire of any Fair and Exposition
24 Authority in counties with a population of 1,000,000 or
25 more inhabitants;

26 (12) for the purpose of assisting in the care and

1 general rehabilitation of disabled veterans of any war and
2 their surviving spouses and orphans;

3 (13) for expenses of the Department of State Police for
4 duties performed under this Act;

5 (14) for the Department of Agriculture for soil surveys
6 and soil and water conservation purposes;

7 (15) for the Department of Agriculture for grants to
8 the City of Chicago for conducting the Chicagofest;

9 (16) for the State Comptroller for grants and operating
10 expenses authorized by the Illinois Global Partnership
11 Act.

12 (k) To the extent that monies paid by the Board to the
13 Agricultural Premium Fund are in the opinion of the Governor in
14 excess of the amount necessary for the purposes herein stated,
15 the Governor shall notify the Comptroller and the State
16 Treasurer of such fact, who, upon receipt of such notification,
17 shall transfer such excess monies from the Agricultural Premium
18 Fund to the General Revenue Fund.

19 (Source: P.A. 94-91, Sections 55-135 and 90-10, eff. 7-1-05.)

20 (230 ILCS 5/28.1)

21 Sec. 28.1. Payments.

22 (a) Beginning on January 1, 2000, moneys collected by the
23 Department of Revenue and the Racing Board pursuant to Section
24 26 or Section 27 of this Act shall be deposited into the Horse
25 Racing Fund, which is hereby created as a special fund in the

1 State Treasury.

2 (b) Appropriations, as approved by the General Assembly,
3 may be made from the Horse Racing Fund to the Board to pay the
4 salaries of the Board members, secretary, stewards, directors
5 of mutuels, veterinarians, representatives, accountants,
6 clerks, stenographers, inspectors and other employees of the
7 Board, and all expenses of the Board incident to the
8 administration of this Act, including, but not limited to, all
9 expenses and salaries incident to the taking of saliva and
10 urine samples in accordance with the rules and regulations of
11 the Board.

12 (c) Beginning on January 1, 2000, the Board shall transfer
13 the remainder of the funds generated pursuant to Sections 26
14 and 27 from the Horse Racing Fund into the General Revenue
15 Fund.

16 In the event that in any fiscal year, the amount of total
17 funds in the Horse Racing Fund is insufficient to meet the
18 annual operating expenses of the Board, as appropriated by the
19 General Assembly for that fiscal year, the Board shall invoice
20 the organization licensees for the amount of the deficit. The
21 amount of the invoice shall be allocated in a proportionate
22 amount of pari-mutuel wagering handled by the organization
23 licensee in the year preceding assessment and divided by the
24 total pari-mutuel wagering handled by all Illinois
25 organization licensees. The payments shall be made 50% from the
26 organization licensee's account and 50% from the organization

1 licensee's purse account.

2 (d) Beginning January 1, 2000, payments to all programs in
3 existence on the effective date of this amendatory Act of 1999
4 that are identified in Sections 26(c), 26(f), 26(h)(11)(C), and
5 28, subsections (a), (b), (c), (d), (e), (f), (g), and (h) of
6 Section 30, and subsections (a), (b), (c), (d), (e), (f), (g),
7 and (h) of Section 31 shall be made from the General Revenue
8 Fund at the funding levels determined by amounts paid under
9 this Act in calendar year 1998. Beginning on the effective date
10 of this amendatory Act of the 93rd General Assembly, payments
11 to the Peoria Park District shall be made from the General
12 Revenue Fund at the funding level determined by amounts paid to
13 that park district for museum purposes under this Act in
14 calendar year 1994.

15 If an inter-track wagering location licensee's facility
16 changes its location, then the payments associated with that
17 facility under this subsection (d) for museum purposes shall be
18 paid to the park district in the area where the facility
19 relocates, and the payments shall be used for museum purposes.
20 If the facility does not relocate to a park district, then the
21 payments shall be paid to the taxing district that is
22 responsible for park or museum expenditures.

23 (e) Beginning July 1, 2006, the payment authorized under
24 subsection (d) to museums and aquariums located in park
25 districts of over 500,000 population shall be paid to museums,
26 aquariums, and zoos in amounts determined by Museums in the

1 Park, an association of museums, aquariums, and zoos located on
2 Chicago Park District property.

3 (f) Beginning July 1, 2007, the Children's Discovery Museum
4 in Normal, Illinois shall receive payments from the General
5 Revenue Fund at the funding level determined by the amounts
6 paid to the Miller Park Zoo in Bloomington, Illinois under this
7 Section in calendar year 2006.

8 (Source: P.A. 95-222, eff. 8-16-07; 96-562, eff. 8-18-09.)

9 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

10 Sec. 30. (a) The General Assembly declares that it is the
11 policy of this State to encourage the breeding of thoroughbred
12 horses in this State and the ownership of such horses by
13 residents of this State in order to provide for: sufficient
14 numbers of high quality thoroughbred horses to participate in
15 thoroughbred racing meetings in this State, and to establish
16 and preserve the agricultural and commercial benefits of such
17 breeding and racing industries to the State of Illinois. It is
18 the intent of the General Assembly to further this policy by
19 the provisions of this Act.

20 (b) Each organization licensee conducting a thoroughbred
21 racing meeting pursuant to this Act shall provide at least two
22 races each day limited to Illinois conceived and foaled horses
23 or Illinois foaled horses or both. A minimum of 6 races shall
24 be conducted each week limited to Illinois conceived and foaled
25 or Illinois foaled horses or both. No horses shall be permitted

1 to start in such races unless duly registered under the rules
2 of the Department of Agriculture.

3 (c) Conditions of races under subsection (b) shall be
4 commensurate with past performance, quality, and class of
5 Illinois conceived and foaled and Illinois foaled horses
6 available. If, however, sufficient competition cannot be had
7 among horses of that class on any day, the races may, with
8 consent of the Board, be eliminated for that day and substitute
9 races provided.

10 (d) There is hereby created a special fund of the State
11 Treasury to be known as the Illinois Thoroughbred Breeders
12 Fund.

13 Beginning on the effective date of this amendatory Act of
14 the 97th General Assembly, the Illinois Thoroughbred Breeders
15 Fund shall become a non-appropriated trust fund held separately
16 from State moneys. Expenditures from this Fund shall no longer
17 be subject to appropriation.

18 Except as provided in subsection (g) of Section 27 of this
19 Act, 8.5% of all the monies received by the State as privilege
20 taxes on Thoroughbred racing meetings shall be paid into the
21 Illinois Thoroughbred Breeders Fund.

22 Notwithstanding any provision of law to the contrary,
23 amounts deposited into the Illinois Thoroughbred Breeders Fund
24 from revenues received from the Horse Racing Impact Fee Fund
25 after the effective date of this amendatory Act of the 97th
26 General Assembly shall be in addition to tax and fee amounts

1 paid under this Section for calendar year 2011 and thereafter.

2 (e) The Illinois Thoroughbred Breeders Fund shall be
3 administered by the Department of Agriculture with the advice
4 and assistance of the Advisory Board created in subsection (f)
5 of this Section.

6 (f) The Illinois Thoroughbred Breeders Fund Advisory Board
7 shall consist of the Director of the Department of Agriculture,
8 who shall serve as Chairman; a member of the Illinois Racing
9 Board, designated by it; 2 representatives of the organization
10 licensees conducting thoroughbred racing meetings, recommended
11 by them; 2 representatives of the Illinois Thoroughbred
12 Breeders and Owners Foundation, recommended by it; one
13 representative ~~and 2 representatives~~ of the Horsemen's
14 Benevolent Protective Association; and one representative from
15 the Illinois Thoroughbred Horsemen's Association ~~or any~~
16 ~~successor organization established in Illinois comprised of~~
17 ~~the largest number of owners and trainers, recommended by it,~~
18 ~~with one representative of the Horsemen's Benevolent and~~
19 ~~Protective Association to come from its Illinois Division, and~~
20 ~~one from its Chicago Division.~~ Advisory Board members shall
21 serve for 2 years commencing January 1 of each odd numbered
22 year. If representatives of the organization licensees
23 conducting thoroughbred racing meetings, the Illinois
24 Thoroughbred Breeders and Owners Foundation, ~~and~~ the
25 Horsemen's Benevolent Protection Association, and the Illinois
26 Thoroughbred Horsemen's Association have not been recommended

1 by January 1, of each odd numbered year, the Director of the
2 Department of Agriculture shall make an appointment for the
3 organization failing to so recommend a member of the Advisory
4 Board. Advisory Board members shall receive no compensation for
5 their services as members but shall be reimbursed for all
6 actual and necessary expenses and disbursements incurred in the
7 execution of their official duties.

8 (g) ~~No monies shall be expended from the Illinois~~
9 ~~Thoroughbred Breeders Fund except as appropriated by the~~
10 ~~General Assembly.~~ Monies expended ~~appropriated~~ from the
11 Illinois Thoroughbred Breeders Fund shall be expended by the
12 Department of Agriculture, with the advice and assistance of
13 the Illinois Thoroughbred Breeders Fund Advisory Board, for the
14 following purposes only:

15 (1) To provide purse supplements to owners of horses
16 participating in races limited to Illinois conceived and
17 foaled and Illinois foaled horses. Any such purse
18 supplements shall not be included in and shall be paid in
19 addition to any purses, stakes, or breeders' awards offered
20 by each organization licensee as determined by agreement
21 between such organization licensee and an organization
22 representing the horsemen. No monies from the Illinois
23 Thoroughbred Breeders Fund shall be used to provide purse
24 supplements for claiming races in which the minimum
25 claiming price is less than \$7,500.

26 (2) To provide stakes and awards to be paid to the

1 owners of the winning horses in certain races limited to
2 Illinois conceived and foaled and Illinois foaled horses
3 designated as stakes races.

4 (2.5) To provide an award to the owner or owners of an
5 Illinois conceived and foaled or Illinois foaled horse that
6 wins a maiden special weight, an allowance, overnight
7 handicap race, or claiming race with claiming price of
8 \$10,000 or more providing the race is not restricted to
9 Illinois conceived and foaled or Illinois foaled horses.

10 Awards shall also be provided to the owner or owners of
11 Illinois conceived and foaled and Illinois foaled horses
12 that place second or third in those races. To the extent
13 that additional moneys are required to pay the minimum
14 additional awards of 40% of the purse the horse earns for
15 placing first, second or third in those races for Illinois
16 foaled horses and of 60% of the purse the horse earns for
17 placing first, second or third in those races for Illinois
18 conceived and foaled horses, those moneys shall be provided
19 from the purse account at the track where earned.

20 (3) To provide stallion awards to the owner or owners
21 of any stallion that is duly registered with the Illinois
22 Thoroughbred Breeders Fund Program ~~prior to the effective~~
23 ~~date of this amendatory Act of 1995~~ whose duly registered
24 Illinois conceived and foaled offspring wins a race
25 conducted at an Illinois thoroughbred racing meeting other
26 than a claiming race, provided that the stallion stood for

1 service within Illinois at the time the offspring was
2 conceived and that the stallion did not stand for service
3 outside of Illinois at any time during the year in which
4 the offspring was conceived. Such award shall not be paid
5 to the owner or owners of an Illinois stallion that served
6 outside this State at any time during the calendar year in
7 which such race was conducted.

8 (4) To provide \$75,000 annually for purses to be
9 distributed to county fairs that provide for the running of
10 races during each county fair exclusively for the
11 thoroughbreds conceived and foaled in Illinois. The
12 conditions of the races shall be developed by the county
13 fair association and reviewed by the Department with the
14 advice and assistance of the Illinois Thoroughbred
15 Breeders Fund Advisory Board. There shall be no wagering of
16 any kind on the running of Illinois conceived and foaled
17 races at county fairs.

18 (4.1) To provide purse money for an Illinois stallion
19 stakes program.

20 (5) No less than 90% ~~80%~~ of all monies appropriated
21 from the Illinois Thoroughbred Breeders Fund shall be
22 expended for the purposes in (1), (2), (2.5), (3), (4),
23 (4.1), and (5) as shown above.

24 (6) To provide for educational programs regarding the
25 thoroughbred breeding industry.

26 (7) To provide for research programs concerning the

1 health, development and care of the thoroughbred horse.

2 (8) To provide for a scholarship and training program
3 for students of equine veterinary medicine.

4 (9) To provide for dissemination of public information
5 designed to promote the breeding of thoroughbred horses in
6 Illinois.

7 (10) To provide for all expenses incurred in the
8 administration of the Illinois Thoroughbred Breeders Fund.

9 (h) The Illinois Thoroughbred Breeders Fund is not subject
10 to administrative charges or chargebacks, including, but not
11 limited to, those authorized under Section 8h of the State
12 Finance Act. ~~Whenever the Governor finds that the amount in the~~
13 ~~Illinois Thoroughbred Breeders Fund is more than the total of~~
14 ~~the outstanding appropriations from such fund, the Governor~~
15 ~~shall notify the State Comptroller and the State Treasurer of~~
16 ~~such fact. The Comptroller and the State Treasurer, upon~~
17 ~~receipt of such notification, shall transfer such excess amount~~
18 ~~from the Illinois Thoroughbred Breeders Fund to the General~~
19 ~~Revenue Fund.~~

20 (i) A sum equal to 13% ~~12-1/2%~~ of the first prize money of
21 every purse won by an Illinois foaled or an Illinois conceived
22 and foaled horse in races not limited to Illinois foaled horses
23 or Illinois conceived and foaled horses, or both, shall be paid
24 by the organization licensee conducting the horse race meeting.
25 Such sum shall be paid 50% from the organization licensee's
26 account and 50% from the purse account of the licensee ~~share of~~

1 ~~the money wagered~~ as follows: 11 1/2% to the breeder of the
2 winning horse and 1 1/2% ~~1%~~ to the organization representing
3 thoroughbred breeders and owners whose representative serves
4 on the Illinois Thoroughbred Breeders Fund Advisory Board for
5 verifying the amounts of breeders' awards earned, assuring
6 their distribution in accordance with this Act, and servicing
7 and promoting the Illinois thoroughbred horse racing industry.
8 The organization representing thoroughbred breeders and owners
9 shall cause all expenditures of monies received under this
10 subsection (i) to be audited at least annually by a registered
11 public accountant. The organization shall file copies of each
12 annual audit with the Racing Board, the Clerk of the House of
13 Representatives and the Secretary of the Senate, and shall make
14 copies of each annual audit available to the public upon
15 request and upon payment of the reasonable cost of photocopying
16 the requested number of copies. Such payments shall not reduce
17 any award to the owner of the horse or reduce the taxes payable
18 under this Act. Upon completion of its racing meet, each
19 organization licensee shall deliver to the organization
20 representing thoroughbred breeders and owners whose
21 representative serves on the Illinois Thoroughbred Breeders
22 Fund Advisory Board a listing of all the Illinois foaled and
23 the Illinois conceived and foaled horses which won breeders'
24 awards and the amount of such breeders' awards under this
25 subsection to verify accuracy of payments and assure proper
26 distribution of breeders' awards in accordance with the

1 provisions of this Act. Such payments shall be delivered by the
2 organization licensee within 30 days of the end of each race
3 meeting.

4 (j) A sum equal to 13% ~~12-1/2%~~ of the first prize money won
5 in each race limited to Illinois foaled horses or Illinois
6 conceived and foaled horses, or both, shall be paid in the
7 following manner by the organization licensee conducting the
8 horse race meeting, 50% from the organization licensee's
9 account and 50% from the purse account of the licensee ~~share of~~
10 ~~the money wagered~~: 11 1/2% to the breeders of the horses in
11 each such race which are the official first, second, third and
12 fourth finishers and 1 1/2% ~~1%~~ to the organization representing
13 thoroughbred breeders and owners whose representative serves
14 on the Illinois Thoroughbred Breeders Fund Advisory Board for
15 verifying the amounts of breeders' awards earned, assuring
16 their proper distribution in accordance with this Act, and
17 servicing and promoting the Illinois thoroughbred horse racing
18 industry. The organization representing thoroughbred breeders
19 and owners shall cause all expenditures of monies received
20 under this subsection (j) to be audited at least annually by a
21 registered public accountant. The organization shall file
22 copies of each annual audit with the Racing Board, the Clerk of
23 the House of Representatives and the Secretary of the Senate,
24 and shall make copies of each annual audit available to the
25 public upon request and upon payment of the reasonable cost of
26 photocopying the requested number of copies.

1 The 11 1/2% paid to the breeders in accordance with this
2 subsection shall be distributed as follows:

3 (1) 60% of such sum shall be paid to the breeder of the
4 horse which finishes in the official first position;

5 (2) 20% of such sum shall be paid to the breeder of the
6 horse which finishes in the official second position;

7 (3) 15% of such sum shall be paid to the breeder of the
8 horse which finishes in the official third position; and

9 (4) 5% of such sum shall be paid to the breeder of the
10 horse which finishes in the official fourth position.

11 Such payments shall not reduce any award to the owners of a
12 horse or reduce the taxes payable under this Act. Upon
13 completion of its racing meet, each organization licensee shall
14 deliver to the organization representing thoroughbred breeders
15 and owners whose representative serves on the Illinois
16 Thoroughbred Breeders Fund Advisory Board a listing of all the
17 Illinois foaled and the Illinois conceived and foaled horses
18 which won breeders' awards and the amount of such breeders'
19 awards in accordance with the provisions of this Act. Such
20 payments shall be delivered by the organization licensee within
21 30 days of the end of each race meeting.

22 (k) The term "breeder", as used herein, means the owner of
23 the mare at the time the foal is dropped. An "Illinois foaled
24 horse" is a foal dropped by a mare which enters this State on
25 or before December 1, in the year in which the horse is bred,
26 provided the mare remains continuously in this State until its

1 foal is born. An "Illinois foaled horse" also means a foal born
2 of a mare in the same year as the mare enters this State on or
3 before March 1, and remains in this State at least 30 days
4 after foaling, is bred back during the season of the foaling to
5 an Illinois Registered Stallion (unless a veterinarian
6 certifies that the mare should not be bred for health reasons),
7 and is not bred to a stallion standing in any other state
8 during the season of foaling. An "Illinois foaled horse" also
9 means a foal born in Illinois of a mare purchased at public
10 auction subsequent to the mare entering this State on or before
11 March 1 ~~prior to February 1~~ of the foaling year providing the
12 mare is owned solely by one or more Illinois residents or an
13 Illinois entity that is entirely owned by one or more Illinois
14 residents.

15 (1) The Department of Agriculture shall, by rule, with the
16 advice and assistance of the Illinois Thoroughbred Breeders
17 Fund Advisory Board:

18 (1) Qualify stallions for Illinois breeding; such
19 stallions to stand for service within the State of Illinois
20 at the time of a foal's conception. Such stallion must not
21 stand for service at any place outside the State of
22 Illinois during the calendar year in which the foal is
23 conceived. The Department of Agriculture may assess and
24 collect an application fee of up to \$500 ~~fees~~ for the
25 registration of Illinois-eligible stallions. All fees
26 collected are to be held in trust accounts for the purposes

1 set forth in this Act and in accordance with Section 205-15
2 of the Department of Agriculture Law ~~paid into the Illinois~~
3 ~~Thoroughbred Breeders Fund.~~

4 (2) Provide for the registration of Illinois conceived
5 and foaled horses and Illinois foaled horses. No such horse
6 shall compete in the races limited to Illinois conceived
7 and foaled horses or Illinois foaled horses or both unless
8 registered with the Department of Agriculture. The
9 Department of Agriculture may prescribe such forms as are
10 necessary to determine the eligibility of such horses. The
11 Department of Agriculture may assess and collect
12 application fees for the registration of Illinois-eligible
13 foals. All fees collected are to be held in trust accounts
14 for the purposes set forth in this Act and in accordance
15 with Section 205-15 of the Department of Agriculture Law
16 ~~paid into the Illinois Thoroughbred Breeders Fund.~~ No
17 person shall knowingly prepare or cause preparation of an
18 application for registration of such foals containing
19 false information.

20 (m) The Department of Agriculture, with the advice and
21 assistance of the Illinois Thoroughbred Breeders Fund Advisory
22 Board, shall provide that certain races limited to Illinois
23 conceived and foaled and Illinois foaled horses be stakes races
24 and determine the total amount of stakes and awards to be paid
25 to the owners of the winning horses in such races.

26 In determining the stakes races and the amount of awards

1 for such races, the Department of Agriculture shall consider
2 factors, including but not limited to, the amount of money
3 appropriated for the Illinois Thoroughbred Breeders Fund
4 program, organization licensees' contributions, availability
5 of stakes caliber horses as demonstrated by past performances,
6 whether the race can be coordinated into the proposed racing
7 dates within organization licensees' racing dates, opportunity
8 for colts and fillies and various age groups to race, public
9 wagering on such races, and the previous racing schedule.

10 (n) The Board and the organizational licensee shall notify
11 the Department of the conditions and minimum purses for races
12 limited to Illinois conceived and foaled and Illinois foaled
13 horses conducted for each organizational licensee conducting a
14 thoroughbred racing meeting. The Department of Agriculture
15 with the advice and assistance of the Illinois Thoroughbred
16 Breeders Fund Advisory Board may allocate monies for purse
17 supplements for such races. In determining whether to allocate
18 money and the amount, the Department of Agriculture shall
19 consider factors, including but not limited to, the amount of
20 money appropriated for the Illinois Thoroughbred Breeders Fund
21 program, the number of races that may occur, and the
22 organizational licensee's purse structure.

23 (o) In order to improve the breeding quality of
24 thoroughbred horses in the State, the General Assembly
25 recognizes that existing provisions of this Section to
26 encourage such quality breeding need to be revised and

1 strengthened. As such, a Thoroughbred Breeder's Program Task
2 Force is to be appointed by the Governor by September 1, 1999
3 to make recommendations to the General Assembly by no later
4 than March 1, 2000. This task force is to be composed of 2
5 representatives from the Illinois Thoroughbred Breeders and
6 Owners Foundation, 2 from the Illinois Thoroughbred Horsemen's
7 Association, 3 from Illinois race tracks operating
8 thoroughbred race meets for an average of at least 30 days in
9 the past 3 years, the Director of Agriculture, the Executive
10 Director of the Racing Board, who shall serve as Chairman.

11 (Source: P.A. 91-40, eff. 6-25-99.)

12 (230 ILCS 5/30.5)

13 Sec. 30.5. Illinois Quarter Horse Breeders Fund.

14 (a) The General Assembly declares that it is the policy of
15 this State to encourage the breeding of racing quarter horses
16 in this State and the ownership of such horses by residents of
17 this State in order to provide for sufficient numbers of high
18 quality racing quarter horses in this State and to establish
19 and preserve the agricultural and commercial benefits of such
20 breeding and racing industries to the State of Illinois. It is
21 the intent of the General Assembly to further this policy by
22 the provisions of this Act.

23 (b) There is hereby created a non-appropriated trust
24 ~~special fund in the State Treasury~~ to be known as the Illinois
25 Racing Quarter Horse Breeders Fund, which is held separately

1 from State moneys. Except as provided in subsection (g) of
2 Section 27 of this Act, 8.5% of all the moneys received by the
3 State as pari-mutuel taxes on quarter horse racing shall be
4 paid into the Illinois Racing Quarter Horse Breeders Fund. The
5 Illinois Racing Quarter Horse Breeders Fund shall not be
6 subject to administrative charges or chargebacks, including,
7 but not limited to, those authorized under Section 8h of the
8 State Finance Act.

9 (c) The Illinois Racing Quarter Horse Breeders Fund shall
10 be administered by the Department of Agriculture with the
11 advice and assistance of the Advisory Board created in
12 subsection (d) of this Section.

13 (d) The Illinois Racing Quarter Horse Breeders Fund
14 Advisory Board shall consist of the Director of the Department
15 of Agriculture, who shall serve as Chairman; a member of the
16 Illinois Racing Board, designated by it; one representative of
17 the organization licensees conducting pari-mutuel quarter
18 horse racing meetings, recommended by them; 2 representatives
19 of the Illinois Running Quarter Horse Association, recommended
20 by it; and the Superintendent of Fairs and Promotions from the
21 Department of Agriculture. Advisory Board members shall serve
22 for 2 years commencing January 1 of each odd numbered year. If
23 representatives have not been recommended by January 1 of each
24 odd numbered year, the Director of the Department of
25 Agriculture may make an appointment for the organization
26 failing to so recommend a member of the Advisory Board.

1 Advisory Board members shall receive no compensation for their
2 services as members but may be reimbursed for all actual and
3 necessary expenses and disbursements incurred in the execution
4 of their official duties.

5 (e) Moneys in ~~No moneys shall be expended from the Illinois~~
6 ~~Racing Quarter Horse Breeders Fund except as appropriated by~~
7 ~~the General Assembly. Moneys appropriated from~~ the Illinois
8 Racing Quarter Horse Breeders Fund shall be expended by the
9 Department of Agriculture, with the advice and assistance of
10 the Illinois Racing Quarter Horse Breeders Fund Advisory Board,
11 for the following purposes only:

12 (1) To provide stakes and awards to be paid to the
13 owners of the winning horses in certain races. This
14 provision is limited to Illinois conceived and foaled
15 horses.

16 (2) To provide an award to the owner or owners of an
17 Illinois conceived and foaled horse that wins a race when
18 pari-mutuel wagering is conducted; providing the race is
19 not restricted to Illinois conceived and foaled horses.

20 (3) To provide purse money for an Illinois stallion
21 stakes program.

22 (4) To provide for purses to be distributed for the
23 running of races during the Illinois State Fair and the
24 DuQuoin State Fair exclusively for quarter horses
25 conceived and foaled in Illinois.

26 (5) To provide for purses to be distributed for the

1 running of races at Illinois county fairs exclusively for
2 quarter horses conceived and foaled in Illinois.

3 (6) To provide for purses to be distributed for running
4 races exclusively for quarter horses conceived and foaled
5 in Illinois at locations in Illinois determined by the
6 Department of Agriculture with advice and consent of the
7 Racing Quarter Horse Breeders Fund Advisory Board.

8 (7) No less than 90% of all moneys appropriated from
9 the Illinois Racing Quarter Horse Breeders Fund shall be
10 expended for the purposes in items (1), (2), (3), (4), and
11 (5) of this subsection (e).

12 (8) To provide for research programs concerning the
13 health, development, and care of racing quarter horses.

14 (9) To provide for dissemination of public information
15 designed to promote the breeding of racing quarter horses
16 in Illinois.

17 (10) To provide for expenses incurred in the
18 administration of the Illinois Racing Quarter Horse
19 Breeders Fund.

20 (f) The Department of Agriculture shall, by rule, with the
21 advice and assistance of the Illinois Racing Quarter Horse
22 Breeders Fund Advisory Board:

23 (1) Qualify stallions for Illinois breeding; such
24 stallions to stand for service within the State of
25 Illinois, at the time of a foal's conception. Such stallion
26 must not stand for service at any place outside the State

1 of Illinois during the calendar year in which the foal is
2 conceived. The Department of Agriculture may assess and
3 collect application fees for the registration of
4 Illinois-eligible stallions. All fees collected are to be
5 paid into the Illinois Racing Quarter Horse Breeders Fund.

6 (2) Provide for the registration of Illinois conceived
7 and foaled horses. No such horse shall compete in the races
8 limited to Illinois conceived and foaled horses unless it
9 is registered with the Department of Agriculture. The
10 Department of Agriculture may prescribe such forms as are
11 necessary to determine the eligibility of such horses. The
12 Department of Agriculture may assess and collect
13 application fees for the registration of Illinois-eligible
14 foals. All fees collected are to be paid into the Illinois
15 Racing Quarter Horse Breeders Fund. No person shall
16 knowingly prepare or cause preparation of an application
17 for registration of such foals that contains false
18 information.

19 (g) The Department of Agriculture, with the advice and
20 assistance of the Illinois Racing Quarter Horse Breeders Fund
21 Advisory Board, shall provide that certain races limited to
22 Illinois conceived and foaled be stakes races and determine the
23 total amount of stakes and awards to be paid to the owners of
24 the winning horses in such races.

25 (Source: P.A. 91-40, eff. 6-25-99.)

1 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

2 Sec. 31. (a) The General Assembly declares that it is the
3 policy of this State to encourage the breeding of standardbred
4 horses in this State and the ownership of such horses by
5 residents of this State in order to provide for: sufficient
6 numbers of high quality standardbred horses to participate in
7 harness racing meetings in this State, and to establish and
8 preserve the agricultural and commercial benefits of such
9 breeding and racing industries to the State of Illinois. It is
10 the intent of the General Assembly to further this policy by
11 the provisions of this Section of this Act.

12 (b) Each organization licensee conducting a harness racing
13 meeting pursuant to this Act shall provide for at least two
14 races each race program limited to Illinois conceived and
15 foaled horses. A minimum of 6 races shall be conducted each
16 week limited to Illinois conceived and foaled horses. No horses
17 shall be permitted to start in such races unless duly
18 registered under the rules of the Department of Agriculture.

19 (b-5) Organization licensees, not including the Illinois
20 State Fair or the DuQuoin State Fair, shall provide stake races
21 and early closer races for Illinois conceived and foaled horses
22 so that purses distributed for such races shall be no less than
23 17% of total purses distributed for harness racing in that
24 calendar year in addition to any stakes payments and starting
25 fees contributed by horse owners.

26 (b-10) Each organization licensee conducting a harness

1 racine meeting pursuant to this Act shall provide an owner
2 award to be paid from the purse account equal to 25% of the
3 amount earned by Illinois conceived and foaled horses in races
4 that are not restricted to Illinois conceived and foaled
5 horses. The owner awards shall not be paid on races below the
6 \$10,000 claiming class.

7 (c) Conditions of races under subsection (b) shall be
8 commensurate with past performance, quality and class of
9 Illinois conceived and foaled horses available. If, however,
10 sufficient competition cannot be had among horses of that class
11 on any day, the races may, with consent of the Board, be
12 eliminated for that day and substitute races provided.

13 (d) There is hereby created a special fund of the State
14 Treasury to be known as the Illinois Standardbred Breeders
15 Fund.

16 During the calendar year 1981, and each year thereafter,
17 except as provided in subsection (g) of Section 27 of this Act,
18 eight and one-half per cent of all the monies received by the
19 State as privilege taxes on harness racing meetings shall be
20 paid into the Illinois Standardbred Breeders Fund.

21 (e) The Illinois Standardbred Breeders Fund shall be
22 administered by the Department of Agriculture with the
23 assistance and advice of the Advisory Board created in
24 subsection (f) of this Section.

25 (f) The Illinois Standardbred Breeders Fund Advisory Board
26 is hereby created. The Advisory Board shall consist of the

1 Director of the Department of Agriculture, who shall serve as
2 Chairman; the Superintendent of the Illinois State Fair; a
3 member of the Illinois Racing Board, designated by it; a
4 representative of the Illinois Standardbred Owners and
5 Breeders Association, recommended by it; a representative of
6 the Illinois Association of Agricultural Fairs, recommended by
7 it, such representative to be from a fair at which Illinois
8 conceived and foaled racing is conducted; a representative of
9 the organization licensees conducting harness racing meetings,
10 recommended by them and a representative of the Illinois
11 Harness Horsemen's Association, recommended by it. Advisory
12 Board members shall serve for 2 years commencing January 1, of
13 each odd numbered year. If representatives of the Illinois
14 Standardbred Owners and Breeders Associations, the Illinois
15 Association of Agricultural Fairs, the Illinois Harness
16 Horsemen's Association, and the organization licensees
17 conducting harness racing meetings have not been recommended by
18 January 1, of each odd numbered year, the Director of the
19 Department of Agriculture shall make an appointment for the
20 organization failing to so recommend a member of the Advisory
21 Board. Advisory Board members shall receive no compensation for
22 their services as members but shall be reimbursed for all
23 actual and necessary expenses and disbursements incurred in the
24 execution of their official duties.

25 (g) No monies shall be expended from the Illinois
26 Standardbred Breeders Fund except as appropriated by the

1 General Assembly. Monies appropriated from the Illinois
2 Standardbred Breeders Fund shall be expended by the Department
3 of Agriculture, with the assistance and advice of the Illinois
4 Standardbred Breeders Fund Advisory Board for the following
5 purposes only:

6 1. To provide purses for races limited to Illinois
7 conceived and foaled horses at the State Fair and the
8 DuQuoin State Fair.

9 2. To provide purses for races limited to Illinois
10 conceived and foaled horses at county fairs.

11 3. To provide purse supplements for races limited to
12 Illinois conceived and foaled horses conducted by
13 associations conducting harness racing meetings.

14 4. No less than 75% of all monies in the Illinois
15 Standardbred Breeders Fund shall be expended for purses in
16 1, 2 and 3 as shown above.

17 5. In the discretion of the Department of Agriculture
18 to provide awards to harness breeders of Illinois conceived
19 and foaled horses which win races conducted by organization
20 licensees conducting harness racing meetings. A breeder is
21 the owner of a mare at the time of conception. No more than
22 10% of all monies appropriated from the Illinois
23 Standardbred Breeders Fund shall be expended for such
24 harness breeders awards. No more than 25% of the amount
25 expended for harness breeders awards shall be expended for
26 expenses incurred in the administration of such harness

1 breeders awards.

2 6. To pay for the improvement of racing facilities
3 located at the State Fair and County fairs.

4 7. To pay the expenses incurred in the administration
5 of the Illinois Standardbred Breeders Fund.

6 8. To promote the sport of harness racing, including
7 grants up to a maximum of \$7,500 per fair per year for
8 conducting pari-mutuel wagering during the advertised
9 dates of a county fair.

10 9. To pay up to \$50,000 annually for the Department of
11 Agriculture to conduct drug testing at county fairs racing
12 standardbred horses.

13 10. To pay up to \$100,000 annually for distribution to
14 Illinois county fairs to supplement premiums offered in
15 junior classes.

16 11. To pay up to \$100,000 annually for division and
17 equal distribution to the animal sciences department of
18 each Illinois public university system engaged in equine
19 research and education on or before the effective date of
20 this amendatory Act of the 97th General Assembly for equine
21 research and education.

22 (h) (Blank) ~~Whenever the Governor finds that the amount in~~
23 ~~the Illinois Standardbred Breeders Fund is more than the total~~
24 ~~of the outstanding appropriations from such fund, the Governor~~
25 ~~shall notify the State Comptroller and the State Treasurer of~~
26 ~~such fact. The Comptroller and the State Treasurer, upon~~

1 ~~receipt of such notification, shall transfer such excess amount~~
2 ~~from the Illinois Standardbred Breeders Fund to the General~~
3 ~~Revenue Fund.~~

4 (i) A sum equal to 13% ~~12-1/2%~~ of the first prize money of
5 the gross ~~every~~ purse won by an Illinois conceived and foaled
6 horse shall be paid 50% by the organization licensee conducting
7 the horse race meeting to the breeder of such winning horse
8 from the organization licensee's account and 50% from the purse
9 account of the licensee ~~share of the money wagered~~. Such
10 payment shall not reduce any award to the owner of the horse or
11 reduce the taxes payable under this Act. Such payment shall be
12 delivered by the organization licensee at the end of each
13 quarter ~~race meeting~~.

14 (j) The Department of Agriculture shall, by rule, with the
15 assistance and advice of the Illinois Standardbred Breeders
16 Fund Advisory Board:

17 1. Qualify stallions for Illinois Standardbred
18 Breeders Fund breeding; ~~such stallion shall be owned by a~~
19 ~~resident of the State of Illinois or by an Illinois~~
20 ~~corporation all of whose shareholders, directors, officers~~
21 ~~and incorporators are residents of the State of Illinois.~~

22 Such stallion shall stand for service at and within the
23 State of Illinois at the time of a foal's conception, and
24 such stallion must not stand for service at any place, ~~nor~~
25 ~~may semen from such stallion be transported~~, outside the
26 State of Illinois during that calendar year in which the

1 foal is conceived ~~and that the owner of the stallion was~~
2 ~~for the 12 months prior, a resident of Illinois. Foals~~
3 ~~conceived outside the State of Illinois from shipped semen~~
4 ~~from a stallion qualified for breeders' awards under this~~
5 ~~Section are not eligible to participate in the Illinois~~
6 ~~conceived and foaled program. The articles of agreement of~~
7 ~~any partnership, joint venture, limited partnership,~~
8 ~~syndicate, association or corporation and any bylaws and~~
9 ~~stock certificates must contain a restriction that~~
10 ~~provides that the ownership or transfer of interest by any~~
11 ~~one of the persons a party to the agreement can only be~~
12 ~~made to a person who qualifies as an Illinois resident.~~

13 2. Provide for the registration of Illinois conceived
14 and foaled horses and no such horse shall compete in the
15 races limited to Illinois conceived and foaled horses
16 unless registered with the Department of Agriculture. The
17 Department of Agriculture may prescribe such forms as may
18 be necessary to determine the eligibility of such horses.
19 No person shall knowingly prepare or cause preparation of
20 an application for registration of such foals containing
21 false information. A mare (dam) must be in the state at
22 least 30 days prior to foaling or remain in the State at
23 least 30 days at the time of foaling. Beginning with the
24 1996 breeding season and for foals of 1997 and thereafter,
25 a foal conceived in the State of Illinois by transported
26 fresh semen may be eligible for Illinois conceived and

1 foaled registration provided all breeding and foaling
2 requirements are met. The stallion must be qualified for
3 Illinois Standardbred Breeders Fund breeding at the time of
4 conception and the mare must be inseminated within the
5 State of Illinois. The foal must be dropped in Illinois and
6 properly registered with the Department of Agriculture in
7 accordance with this Act.

8 3. Provide that at least a 5 day racing program shall
9 be conducted at the State Fair each year, which program
10 shall include at least the following races limited to
11 Illinois conceived and foaled horses: (a) a two year old
12 Trot and Pace, and Filly Division of each; (b) a three year
13 old Trot and Pace, and Filly Division of each; (c) an aged
14 Trot and Pace, and Mare Division of each.

15 4. Provide for the payment of nominating, sustaining
16 and starting fees for races promoting the sport of harness
17 racing and for the races to be conducted at the State Fair
18 as provided in subsection (j) 3 of this Section provided
19 that the nominating, sustaining and starting payment
20 required from an entrant shall not exceed 2% of the purse
21 of such race. All nominating, sustaining and starting
22 payments shall be held for the benefit of entrants and
23 shall be paid out as part of the respective purses for such
24 races. Nominating, sustaining and starting fees shall be
25 held in trust accounts for the purposes as set forth in
26 this Act and in accordance with Section 205-15 of the

1 Department of Agriculture Law (20 ILCS 205/205-15).

2 5. Provide for the registration with the Department of
3 Agriculture of Colt Associations or county fairs desiring
4 to sponsor races at county fairs.

5 6. Provide for the promotion of producing standardbred
6 racehorses by providing a bonus award program for owners of
7 2-year-old horses that win multiple major stakes races that
8 are limited to Illinois conceived and foaled horses.

9 (k) The Department of Agriculture, with the advice and
10 assistance of the Illinois Standardbred Breeders Fund Advisory
11 Board, may allocate monies for purse supplements for such
12 races. In determining whether to allocate money and the amount,
13 the Department of Agriculture shall consider factors,
14 including but not limited to, the amount of money appropriated
15 for the Illinois Standardbred Breeders Fund program, the number
16 of races that may occur, and an organizational licensee's purse
17 structure. The organizational licensee shall notify the
18 Department of Agriculture of the conditions and minimum purses
19 for races limited to Illinois conceived and foaled horses to be
20 conducted by each organizational licensee conducting a harness
21 racing meeting for which purse supplements have been
22 negotiated.

23 (l) All races held at county fairs and the State Fair which
24 receive funds from the Illinois Standardbred Breeders Fund
25 shall be conducted in accordance with the rules of the United
26 States Trotting Association unless otherwise modified by the

1 Department of Agriculture.

2 (m) At all standardbred race meetings held or conducted
3 under authority of a license granted by the Board, and at all
4 standardbred races held at county fairs which are approved by
5 the Department of Agriculture or at the Illinois or DuQuoin
6 State Fairs, no one shall jog, train, warm up or drive a
7 standardbred horse unless he or she is wearing a protective
8 safety helmet, with the chin strap fastened and in place, which
9 meets the standards and requirements as set forth in the 1984
10 Standard for Protective Headgear for Use in Harness Racing and
11 Other Equestrian Sports published by the Snell Memorial
12 Foundation, or any standards and requirements for headgear the
13 Illinois Racing Board may approve. Any other standards and
14 requirements so approved by the Board shall equal or exceed
15 those published by the Snell Memorial Foundation. Any
16 equestrian helmet bearing the Snell label shall be deemed to
17 have met those standards and requirements.

18 (Source: P.A. 91-239, eff. 1-1-00.)

19 (230 ILCS 5/31.1) (from Ch. 8, par. 37-31.1)

20 Sec. 31.1. (a) Organization licensees collectively shall
21 contribute annually to charity the sum of \$1,000,000 ~~\$750,000~~
22 to non-profit organizations that provide medical and family,
23 counseling, and similar services to persons who reside or work
24 on the backstretch of Illinois racetracks. These contributions
25 shall be collected as follows: (i) no later than July 1st of

1 each year the Board shall assess each organization licensee,
2 except those tracks which are not within 100 miles of each
3 other which tracks shall pay \$40,000 ~~\$30,000~~ annually apiece
4 into the Board charity fund, that amount which equals \$920,000
5 ~~\$690,000~~ multiplied by the amount of pari-mutuel wagering
6 handled by the organization licensee in the year preceding
7 assessment and divided by the total pari-mutuel wagering
8 handled by all Illinois organization licensees, except those
9 tracks which are not within 100 miles of each other, in the
10 year preceding assessment; (ii) notice of the assessed
11 contribution shall be mailed to each organization licensee;
12 (iii) within thirty days of its receipt of such notice, each
13 organization licensee shall remit the assessed contribution to
14 the Board. If an organization licensee wilfully fails to so
15 remit the contribution, the Board may revoke its license to
16 conduct horse racing.

17 (b) No later than October 1st of each year, any qualified
18 charitable organization seeking an allotment of contributed
19 funds shall submit to the Board an application for those funds,
20 using the Board's approved form. No later than December 31st of
21 each year, the Board shall distribute all such amounts
22 collected that year to such charitable organization
23 applicants.

24 (Source: P.A. 87-110.)

1 Sec. 32.1. Pari-mutuel tax credit; statewide racetrack
2 real estate equalization.

3 (a) In order to encourage new investment in Illinois
4 racetrack facilities and mitigate differing real estate tax
5 burdens among all racetracks, the licensees affiliated or
6 associated with each racetrack that has been awarded live
7 racing dates in the current year shall receive an immediate
8 pari-mutuel tax credit in an amount equal to the greater of (i)
9 50% of the amount of the real estate taxes paid in the prior
10 year attributable to that racetrack, or (ii) the amount by
11 which the real estate taxes paid in the prior year attributable
12 to that racetrack exceeds 60% of the average real estate taxes
13 paid in the prior year for all racetracks awarded live horse
14 racing meets in the current year.

15 Each year, regardless of whether the organization licensee
16 conducted live racing in the year of certification, the Board
17 shall certify in writing, prior to December 31, the real estate
18 taxes paid in that year for each racetrack and the amount of
19 the pari-mutuel tax credit that each organization licensee,
20 intertrack wagering licensee, and intertrack wagering location
21 licensee that derives its license from such racetrack is
22 entitled in the succeeding calendar year. The real estate taxes
23 considered under this Section for any racetrack shall be those
24 taxes on the real estate parcels and related facilities used to
25 conduct a horse race meeting and inter-track wagering at such
26 racetrack under this Act. In no event shall the amount of the

1 tax credit under this Section exceed the amount of pari-mutuel
2 taxes otherwise calculated under this Act. The amount of the
3 tax credit under this Section shall be retained by each
4 licensee and shall not be subject to any reallocation or
5 further distribution under this Act. The Board may promulgate
6 emergency rules to implement this Section.

7 (b) Beginning on January 1 following the calendar year
8 during which an organization licensee begins receiving funds
9 from the Horse Racing Impact Fee Fund, the maximum credit
10 amount an organization licensee shall be eligible to receive
11 pursuant to this Section shall be equal to 50% of the credit
12 awarded to the organization licensee in calendar year 2010.

13 (Source: P.A. 91-40, eff. 6-25-99.)

14 (230 ILCS 5/34.3 new)

15 Sec. 34.3. Drug testing. The Illinois Racing Board and the
16 Department of Agriculture shall jointly establish a program for
17 the purpose of conducting drug testing of horses at county
18 fairs and shall adopt any rules necessary for enforcement of
19 the program. The rules shall include appropriate penalties for
20 violations.

21 (230 ILCS 5/36) (from Ch. 8, par. 37-36)

22 Sec. 36. (a) Whoever administers or conspires to administer
23 to any horse a hypnotic, narcotic, stimulant, depressant or any
24 chemical substance which may affect the speed of a horse at any

1 time in any race where the purse or any part of the purse is
2 made of money authorized by any Section of this Act, except
3 those chemical substances permitted by ruling of the Board,
4 internally, externally or by hypodermic method in a race or
5 prior thereto, or whoever knowingly enters a horse in any race
6 within a period of 24 hours after any hypnotic, narcotic,
7 stimulant, depressant or any other chemical substance which may
8 affect the speed of a horse at any time, except those chemical
9 substances permitted by ruling of the Board, has been
10 administered to such horse either internally or externally or
11 by hypodermic method for the purpose of increasing or retarding
12 the speed of such horse shall be guilty of a Class 4 felony.
13 The Board shall suspend or revoke such violator's license.

14 (b) The term "hypnotic" as used in this Section includes
15 all barbituric acid preparations and derivatives.

16 (c) The term "narcotic" as used in this Section includes
17 opium and all its alkaloids, salts, preparations and
18 derivatives, cocaine and all its salts, preparations and
19 derivatives and substitutes.

20 (d) The provisions of this Section 36 and the treatment
21 authorized herein apply to horses entered in and competing in
22 race meetings as defined in Section 3.47 of this Act and to
23 horses entered in and competing at any county fair.

24 (Source: P.A. 79-1185.)

1 Sec. 40. (a) The imposition of any fine or penalty provided
2 in this Act shall not preclude the Board in its rules and
3 regulations from imposing a fine or penalty for any other
4 action which, in the Board's discretion, is a detriment or
5 impediment to horse racing.

6 (b) The Director of Agriculture or his or her authorized
7 representative shall impose the following monetary penalties
8 and hold administrative hearings as required for failure to
9 submit the following applications, lists, or reports within the
10 time period, date or manner required by statute or rule or for
11 removing a foal from Illinois prior to inspection:

12 (1) late filing of a renewal application for offering
13 or standing stallion for service:

14 (A) if an application is submitted no more than 30
15 days late, \$50;

16 (B) if an application is submitted no more than 45
17 days late, \$150; or

18 (C) if an application is submitted more than 45
19 days late, if filing of the application is allowed
20 under an administrative hearing, \$250;

21 (2) late filing of list or report of mares bred:

22 (A) if a list or report is submitted no more than
23 30 days late, \$50;

24 (B) if a list or report is submitted no more than
25 60 days late \$150; or

26 (C) if a list or report is submitted more than 60

1 days late, if filing of the list or report is allowed
2 under an administrative hearing, \$250;

3 (3) filing an Illinois foaled thoroughbred mare status
4 report after the statutory deadline as provided in
5 subsection (k) of Section 30 of this Act ~~December 31~~:

6 (A) if a report is submitted no more than 30 days
7 late, \$50;

8 (B) if a report is submitted no more than 90 days
9 late, \$150;

10 (C) if a report is submitted no more than 150 days
11 late, \$250; or

12 (D) if a report is submitted more than 150 days
13 late, if filing of the report is allowed under an
14 administrative hearing, \$500;

15 (4) late filing of application for foal eligibility
16 certificate:

17 (A) if an application is submitted no more than 30
18 days late, \$50;

19 (B) if an application is submitted no more than 90
20 days late, \$150;

21 (C) if an application is submitted no more than 150
22 days late, \$250; or

23 (D) if an application is submitted more than 150
24 days late, if filing of the application is allowed
25 under an administrative hearing, \$500;

26 (5) failure to report the intent to remove a foal from

1 Illinois prior to inspection, identification and
2 certification by a Department of Agriculture investigator,
3 \$50; and

4 (6) if a list or report of mares bred is incomplete,
5 \$50 per mare not included on the list or report.

6 Any person upon whom monetary penalties are imposed under
7 this Section 3 times within a 5 year period shall have any
8 further monetary penalties imposed at double the amounts set
9 forth above. All monies assessed and collected for violations
10 relating to thoroughbreds shall be paid into the Thoroughbred
11 Breeders Fund. All monies assessed and collected for violations
12 relating to standardbreds shall be paid into the Standardbred
13 Breeders Fund.

14 (Source: P.A. 87-397.)

15 (230 ILCS 5/56 new)

16 Sec. 56. Horse Racing Impact Fee Fund distribution.

17 (a) Any amounts received by an organization licensee from
18 the Horse Racing Impact Fee Fund shall be distributed as
19 follows:

20 (1) Amounts shall be paid to the purse account at the
21 track at which the organization licensee is conducting
22 racing equal to the following:

23 12.75% of an amount up to and including
24 \$75,000,000;

25 20% of an amount in excess of \$75,000,000 but not

1 exceeding \$100,000,000;

2 26.5% of an amount in excess of \$100,000,000 but
3 not exceeding \$125,000,000; and

4 20.5% of an amount in excess of \$125,000,000.

5 (2) The remainder shall be retained by the organization
6 licensee.

7 (b) Amounts placed into the purse account of an
8 organization licensee racing thoroughbred horses shall be used
9 for purses, for health care services or worker's compensation
10 for racing industry workers, for equine research, for programs
11 to care for and transition injured and retired thoroughbred
12 horses that race at the race track, or for horse ownership
13 promotion, in accordance with the agreement of the horsemen's
14 association representing the largest number of owners or
15 trainers who race at that organization licensee's race
16 meetings.

17 Annually, from the purse account of an organization
18 licensee racing thoroughbred horses in the State, except for in
19 Madison County, an amount equal to 12% of the amounts placed
20 into the purse accounts in accordance with this Section shall
21 be paid to the Illinois Thoroughbred Breeders Fund and shall be
22 used for owner awards; a stallion program pursuant to paragraph
23 (3) of subsection (g) of Section 30 of this Act; and Illinois
24 conceived and foaled stakes races pursuant to paragraph (2) of
25 subsection (g) of Section 30 of this Act, as specifically
26 designated by the horsemen's association representing the

1 largest number of owners or trainers who race at the
2 organization licensee's race meetings.

3 Annually, from the purse account of an organization
4 licensee racing thoroughbred horses in Madison County, an
5 amount equal to 10% of the amount placed into the purse
6 accounts in accordance with this Section shall be paid to the
7 Illinois Thoroughbred Breeders Fund and shall be used for owner
8 awards; a stallion program pursuant to paragraph (3) of
9 subsection (g) of Section 30 of this Act; and Illinois
10 conceived and foaled stakes races pursuant to paragraph (2) of
11 subsection (g) of Section 30 of this Act, as specifically
12 designated by the horsemen's association representing the
13 largest number of owners or trainers who race at the
14 organization licensee's race meetings.

15 Annually, from the purse account of an organization
16 licensee conducting thoroughbred races at a race track in
17 Madison County, an amount equal to 1% of the amount distributed
18 to purses per subsection (a) of this Section 56 shall be paid
19 as follows: 0.33 1/3% to Southern Illinois University
20 Department of Animal Sciences for equine research and
21 education, an amount equal to 0.33 1/3% shall be used to
22 operate laundry facilities for backstretch workers at that race
23 track, and an amount equal to 0.33 1/3% shall be paid to
24 programs to care for injured and unwanted horses that race at
25 that race track.

26 Annually, from the purse account of organization licensees

1 conducting thoroughbred races at race tracks in Cook County,
2 \$100,000 shall be paid for division and equal distribution to
3 the animal sciences department of each Illinois public
4 university system engaged in equine research and education on
5 or before the effective date of this amendatory Act of the 97th
6 General Assembly for equine research and education.

7 (c) Annually, from the purse account of an organization
8 licensee racing standardbred horses, an amount equal to 15% of
9 the amount placed into that purse account in accordance with
10 this Section shall be paid to the Illinois Colt Stakes Purse
11 Distribution Fund. Moneys deposited into the Illinois Colt
12 Stakes Purse Distribution Fund shall be used for standardbred
13 racing as authorized in paragraphs 1, 2, 3, 8, 9, 10, and 11 of
14 subsection (g) of Section 31 of this Act and for bonus awards
15 as authorized under paragraph 6 of subsection (j) of Section 31
16 of this Act.

17 (d) As a requirement for continued eligibility to receive
18 amounts from the Horse Racing Impact Fee Fund, each
19 organization licensee must promote live racing and horse
20 ownership through marketing and promotional efforts. To meet
21 this requirement, all organization licensees operating at each
22 race track facility must collectively expend the amount of the
23 pari-mutuel tax credit that was certified by the Illinois
24 Racing Board in the prior calendar year pursuant to Section
25 32.1 of this Act for that race track facility, in addition to
26 the amount that was expended by each organizational licensee

1 for such efforts in calendar year 2009. Such incremental
2 expenditures must be directed to assure that all marketing
3 expenditures, including those that advertise, market, and
4 promote horse racing or horse ownership. The amount spent by
5 the organization licensee for such marketing and promotional
6 efforts in 2009 shall be certified by the Board no later than
7 90 days after the effective date of this Section.

8 The Board shall review any amounts expended pursuant to
9 this subsection (d) and shall also include an itemized
10 description of the amount that was expended by each
11 organization licensee pursuant to this subsection (d) in the
12 annual report that the Board is required to submit pursuant to
13 subsection (d) of Section 14 of the Illinois Horse Racing Act
14 of 1975.

15 (e) The Board shall submit a report to the General Assembly
16 on or before December 31, 2012 that examines the feasibility of
17 conducting electronic gaming at the Illinois State Fairgrounds
18 in Sangamon County. At a minimum, this report shall analyze the
19 projected revenues that will be generated; the potential for
20 cannibalization of existing riverboats, casinos, or other
21 electronic gaming facilities; and the potential detriment to
22 the surrounding area and its population. The report shall
23 include the Board's findings together with appropriate
24 recommendations for legislative action.

25 Section 90-40. The Riverboat Gambling Act is amended by

1 changing Sections 1, 2, 3, 4, 5, 5.1, 6, 7, 7.3, 7.5, 8, 9, 11,
2 11.1, 12, 13, 14, 18, 19, and 20 and by adding Sections 5.3,
3 7.8, 7.9, 7.10, 7.11, and 7.12 as follows:

4 (230 ILCS 10/1) (from Ch. 120, par. 2401)

5 Sec. 1. Short title. This Act shall be known and may be
6 cited as the Illinois Riverboat Gambling Act.

7 (Source: P.A. 86-1029.)

8 (230 ILCS 10/2) (from Ch. 120, par. 2402)

9 Sec. 2. Legislative Intent.

10 (a) This Act is intended to benefit the people of the State
11 of Illinois by assisting economic development and promoting
12 Illinois tourism and by increasing the amount of revenues
13 available to the State to assist and support education.

14 (b) While authorization of riverboat and casino gambling
15 will enhance investment, development and tourism in Illinois,
16 it is recognized that it will do so successfully only if public
17 confidence and trust in the credibility and integrity of the
18 gambling operations and the regulatory process is maintained.
19 Therefore, regulatory provisions of this Act are designed to
20 strictly regulate the facilities, persons, associations and
21 practices related to gambling operations pursuant to the police
22 powers of the State, including comprehensive law enforcement
23 supervision.

24 (c) The Illinois Gaming Board established under this Act

1 should, as soon as possible, inform each applicant for an
2 owners license of the Board's intent to grant or deny a
3 license.

4 (Source: P.A. 93-28, eff. 6-20-03.)

5 (230 ILCS 10/3) (from Ch. 120, par. 2403)

6 Sec. 3. ~~Riverboat~~ Gambling Authorized.

7 (a) Riverboat and casino gambling operations ~~and the system~~
8 ~~of wagering incorporated therein~~, as defined in this Act, are
9 hereby authorized to the extent that they are carried out in
10 accordance with the provisions of this Act.

11 (b) This Act does not apply to the pari-mutuel system of
12 wagering used or intended to be used in connection with the
13 horse-race meetings as authorized under the Illinois Horse
14 Racing Act of 1975, lottery games authorized under the Illinois
15 Lottery Law, bingo authorized under the Bingo License and Tax
16 Act, charitable games authorized under the Charitable Games Act
17 or pull tabs and jar games conducted under the Illinois Pull
18 Tabs and Jar Games Act.

19 (c) Riverboat gambling conducted pursuant to this Act may
20 be authorized upon any water within the State of Illinois or
21 any water other than Lake Michigan which constitutes a boundary
22 of the State of Illinois. Notwithstanding any provision in this
23 subsection (c) to the contrary, a licensee that receives its
24 license pursuant to subsection (e-5) of Section 7 may conduct
25 riverboat gambling on Lake Michigan from a home dock located on

1 Lake Michigan subject to any limitations contained in Section
2 7. Notwithstanding any provision in this subsection (c) to the
3 contrary, a licensee may conduct gambling at its home dock
4 facility as provided in Sections 7 and 11. A licensee may
5 conduct riverboat gambling authorized under this Act
6 regardless of whether it conducts excursion cruises. A licensee
7 may permit the continuous ingress and egress of passengers for
8 the purpose of gambling.

9 (d) Gambling that is conducted in accordance with this Act
10 using slot machines and video games of chance as defined in the
11 Illinois Gambling Act is authorized.

12 (Source: P.A. 91-40, eff. 6-25-99.)

13 (230 ILCS 10/4) (from Ch. 120, par. 2404)

14 Sec. 4. Definitions. As used in this Act:

15 ~~(a)~~ "Board" means the Illinois Gaming Board.

16 ~~(b)~~ "Occupational license" means a license issued by the
17 Board to a person or entity to perform an occupation which the
18 Board has identified as requiring a license to engage in
19 riverboat gambling in Illinois.

20 ~~(c)~~ "Gambling game" includes, but is not limited to,
21 baccarat, twenty-one, poker, craps, slot machine, video game of
22 chance, roulette wheel, klondike table, punchboard, faro
23 layout, keno layout, numbers ticket, push card, jar ticket, or
24 pull tab which is authorized by the Board as a wagering device
25 under this Act.

1 ~~(d)~~ "Riverboat" means a self-propelled excursion boat, a
2 permanently moored barge, or permanently moored barges that are
3 permanently fixed together to operate as one vessel, on which
4 lawful gambling is authorized and licensed as provided in this
5 Act.

6 "Electronic gaming device" means any mechanical,
7 electrical, or other device, contrivance, or machine that is
8 authorized by the Board as a wagering device under this Act
9 which, upon insertion of currency, a voucher, or a similar
10 object therein, or upon payment of any consideration
11 whatsoever, is available to play or operate, the play or
12 operation of which may deliver or entitle the person playing or
13 operating the machine to receive cash, premiums, merchandise,
14 tokens, or anything of value whatsoever, whether the payoff is
15 made automatically from the machine or in any other manner
16 whatsoever. An electronic gaming device:

17 (1) May utilize spinning reels or video displays or
18 both.

19 (2) May dispense vouchers to winning patrons.

20 (3) May use an electronic credit system for receiving
21 wagers and making payouts.

22 (4) May simulate a table game.

23 "Electronic gaming device" does not include table games
24 authorized by the Board as a wagering device under this Act.

25 ~~(e)~~ "Managers license" means a license issued by the Board
26 to a person or entity to manage gambling operations conducted

1 by the State pursuant to Section 7.3.

2 ~~(f)~~ "Dock" means the location where a riverboat moors for
3 the purpose of embarking passengers for and disembarking
4 passengers from the riverboat.

5 ~~(g)~~ "Gross receipts" means the total amount of money
6 exchanged for the purchase of chips, tokens, or electronic
7 credits ~~cards~~ by riverboat patrons.

8 ~~(h)~~ "Adjusted gross receipts" means the gross receipts less
9 winnings paid to wagerers.

10 ~~(i)~~ "Cheat" means to alter the selection of criteria which
11 determine the result of a gambling game or the amount or
12 frequency of payment in a gambling game.

13 ~~(j)~~ ~~(Blank)~~.

14 ~~(k)~~ "Gambling operation" means the conduct of ~~authorized~~
15 gambling games authorized under this Act upon a riverboat or in
16 a casino or authorized under this Act.

17 ~~(l)~~ "License bid" means the lump sum amount of money that
18 an applicant bids and agrees to pay the State in return for an
19 owners license that is issued or re-issued on or after July 1,
20 2003.

21 "Table game" means a live gaming apparatus upon which
22 gaming is conducted or that determines an outcome that is the
23 object of a wager, including, but not limited to, baccarat,
24 twenty-one, blackjack, poker, craps, roulette wheel, klondike
25 table, punchboard, faro layout, keno layout, or other similar
26 games that are authorized by the Board as a wagering device

1 under this Act. "Table game" does not include electronic gaming
2 devices or video games of chance.

3 ~~(m)~~ The terms "minority person", "female", and "person with
4 a disability" shall have the same meaning as defined in Section
5 2 of the Business Enterprise for Minorities, Females, and
6 Persons with Disabilities Act.

7 "Authority" means the Chicago Casino Development
8 Authority.

9 "Casino" means a facility at which lawful gambling is
10 authorized as provided in this Act.

11 "Owners license" means a license to conduct riverboat or
12 casino gambling operations, but does not include an electronic
13 gaming license.

14 "Licensed owner" means a person who holds an owners
15 license.

16 "Casino operator license" means the license held by the
17 person or entity selected by the Authority and approved by the
18 Board to manage and operate a riverboat or casino within the
19 geographic area of the authorized municipality pursuant to this
20 Act and the Chicago Casino Development Authority Act.

21 (Source: P.A. 95-331, eff. 8-21-07; 96-1392, eff. 1-1-11.)

22 (230 ILCS 10/5) (from Ch. 120, par. 2405)

23 Sec. 5. Gaming Board.

24 (a) (1) There is hereby established the Illinois Gaming
25 Board, which shall have the powers and duties specified in this

1 Act, and all other powers necessary and proper to fully and
2 effectively execute this Act for the purpose of administering,
3 regulating, and enforcing the system of riverboat and casino
4 gambling established by this Act. Its jurisdiction shall extend
5 under this Act to every person, association, corporation,
6 partnership and trust involved in riverboat and casino gambling
7 operations in the State of Illinois.

8 (2) The Board shall consist of 5 members to be appointed by
9 the Governor with the advice and consent of the Senate, one of
10 whom shall be designated by the Governor to be chairperson
11 ~~chairman~~. Each member shall have a reasonable knowledge of the
12 practice, procedure and principles of gambling operations.
13 Each member shall either be a resident of Illinois or shall
14 certify that he or she will become a resident of Illinois
15 before taking office.

16 The Board must include the following:

17 (A) One member who has received, at a minimum, a
18 bachelor's degree from an accredited school and at least 10
19 years of verifiable training and experience in the fields
20 of investigation and law enforcement.

21 (B) One member who is a certified public accountant
22 with experience in auditing and with knowledge of complex
23 corporate structures and transactions.

24 (C) One member who has 5 years' experience as a
25 principal, senior officer, or director of a company or
26 business with either material responsibility for the daily

1 operations and management of the overall company or
2 business or material responsibility for the policy making
3 of the company or business.

4 (D) One member who is a lawyer licensed to practice law
5 in Illinois.

6 No more than 3 members of the Board may be from the same
7 political party. The Board should reflect the ethnic, cultural,
8 and geographic diversity of the State. No Board member shall,
9 within a period of one year immediately preceding nomination,
10 have been employed or received compensation or fees for
11 services from a person or entity, or its parent or affiliate,
12 that has engaged in business with the Board or a licensee.
13 Board members must publicly disclose all prior affiliations
14 with gaming interests, including any compensation, fees,
15 bonuses, salaries, and other reimbursement received from a
16 person or entity, or its parent or affiliate, that has engaged
17 in business with the Board or a licensee. This disclosure must
18 be made within 30 days after nomination but prior to
19 confirmation by the Senate and must be made available to the
20 members of the Senate. ~~At least one member shall be experienced~~
21 ~~in law enforcement and criminal investigation, at least one~~
22 ~~member shall be a certified public accountant experienced in~~
23 ~~accounting and auditing, and at least one member shall be a~~
24 ~~lawyer licensed to practice law in Illinois.~~

25 (3) The terms of office of the Board members shall be 3
26 years, except that the terms of office of the initial Board

1 members appointed pursuant to this Act will commence from the
2 effective date of this Act and run as follows: one for a term
3 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for
4 a term ending July 1, 1993. Upon the expiration of the
5 foregoing terms, the successors of such members shall serve a
6 term for 3 years and until their successors are appointed and
7 qualified for like terms. Vacancies in the Board shall be
8 filled for the unexpired term in like manner as original
9 appointments. Each member of the Board shall be eligible for
10 reappointment at the discretion of the Governor with the advice
11 and consent of the Senate.

12 (4) Each member of the Board shall receive \$300 for each
13 day the Board meets and for each day the member conducts any
14 hearing pursuant to this Act. Each member of the Board shall
15 also be reimbursed for all actual and necessary expenses and
16 disbursements incurred in the execution of official duties.

17 (5) No person shall be appointed a member of the Board or
18 continue to be a member of the Board who is, or whose spouse,
19 child or parent is, a member of the board of directors of, or a
20 person financially interested in, any gambling operation
21 subject to the jurisdiction of this Board, or any race track,
22 race meeting, racing association or the operations thereof
23 subject to the jurisdiction of the Illinois Racing Board. No
24 Board member shall hold any other public office. No person
25 shall be a member of the Board who is not of good moral
26 character or who has been convicted of, or is under indictment

1 for, a felony under the laws of Illinois or any other state, or
2 the United States.

3 (5.5) No member of the Board shall engage in any political
4 activity. For the purposes of this Section, "political" means
5 any activity in support of or in connection with any campaign
6 for federal, State, or local elective office or any political
7 organization, but does not include activities (i) relating to
8 the support or opposition of any executive, legislative, or
9 administrative action (as those terms are defined in Section 2
10 of the Lobbyist Registration Act), (ii) relating to collective
11 bargaining, or (iii) that are otherwise in furtherance of the
12 person's official State duties or governmental and public
13 service functions.

14 (6) Any member of the Board may be removed by the Governor
15 for neglect of duty, misfeasance, malfeasance, or nonfeasance
16 in office or for engaging in any political activity.

17 (7) Before entering upon the discharge of the duties of his
18 office, each member of the Board shall take an oath that he
19 will faithfully execute the duties of his office according to
20 the laws of the State and the rules and regulations adopted
21 therewith and shall give bond to the State of Illinois,
22 approved by the Governor, in the sum of \$25,000. Every such
23 bond, when duly executed and approved, shall be recorded in the
24 office of the Secretary of State. Whenever the Governor
25 determines that the bond of any member of the Board has become
26 or is likely to become invalid or insufficient, he shall

1 require such member forthwith to renew his bond, which is to be
2 approved by the Governor. Any member of the Board who fails to
3 take oath and give bond within 30 days from the date of his
4 appointment, or who fails to renew his bond within 30 days
5 after it is demanded by the Governor, shall be guilty of
6 neglect of duty and may be removed by the Governor. The cost of
7 any bond given by any member of the Board under this Section
8 shall be taken to be a part of the necessary expenses of the
9 Board.

10 (8) The Board shall employ such personnel as may be
11 necessary to carry out its functions and shall determine the
12 salaries of all personnel, except those personnel whose
13 salaries are determined under the terms of a collective
14 bargaining agreement. No person shall be employed to serve the
15 Board who is, or whose spouse, parent or child is, an official
16 of, or has a financial interest in or financial relation with,
17 any operator engaged in gambling operations within this State
18 or any organization engaged in conducting horse racing within
19 this State. For the one year immediately preceding employment,
20 an employee shall not have been employed or received
21 compensation or fees for services from a person or entity, or
22 its parent or affiliate, that has engaged in business with the
23 Board, a licensee, or a licensee under the Illinois Horse
24 Racing Act of 1975. Any employee violating these prohibitions
25 shall be subject to termination of employment. In addition, all
26 Board members and employees are subject to the restrictions set

1 forth in Section 5-45 of the State Officials and Employees
2 Ethics Act.

3 (9) An Administrator shall perform any and all duties that
4 the Board shall assign him. The salary of the Administrator
5 shall be determined by the Board and, in addition, he shall be
6 reimbursed for all actual and necessary expenses incurred by
7 him in discharge of his official duties. The Administrator
8 shall keep records of all proceedings of the Board and shall
9 preserve all records, books, documents and other papers
10 belonging to the Board or entrusted to its care. The
11 Administrator shall devote his full time to the duties of the
12 office and shall not hold any other office or employment. In
13 addition to other prescribed duties, the Administrator shall
14 establish a system by which personnel assisting the Board
15 regarding the issuance of owners licenses, whether it be
16 relocation, re-issuance, or the initial issuance, shall be
17 assigned specific duties in each instance, thereby preventing a
18 conflict of interest in regards to the decision-making process.
19 A conflict of interest exists if a situation influences or
20 creates the appearance that it may influence judgment or
21 performance of duties or responsibilities.

22 (b) The Board shall have general responsibility for the
23 implementation of this Act. Its duties include, without
24 limitation, the following:

25 (1) To decide promptly and in reasonable order all
26 license applications. Any party aggrieved by an action of

1 the Board denying, suspending, revoking, restricting or
2 refusing to renew a license may request a hearing before
3 the Board. A request for a hearing must be made to the
4 Board in writing within 5 days after service of notice of
5 the action of the Board. Notice of the action of the Board
6 shall be served either by personal delivery or by certified
7 mail, postage prepaid, to the aggrieved party. Notice
8 served by certified mail shall be deemed complete on the
9 business day following the date of such mailing. The Board
10 shall conduct all requested hearings promptly and in
11 reasonable order;

12 (2) To conduct all hearings pertaining to civil
13 violations of this Act or rules and regulations promulgated
14 hereunder;

15 (3) To promulgate such rules and regulations as in its
16 judgment may be necessary to protect or enhance the
17 credibility and integrity of gambling operations
18 authorized by this Act and the regulatory process
19 hereunder;

20 (4) To provide for the establishment and collection of
21 all license and registration fees and taxes imposed by this
22 Act and the rules and regulations issued pursuant hereto.
23 All such fees and taxes shall be deposited into the State
24 Gaming Fund;

25 (5) To provide for the levy and collection of penalties
26 and fines for the violation of provisions of this Act and

1 the rules and regulations promulgated hereunder. All such
2 fines and penalties shall be deposited into the Education
3 Assistance Fund, created by Public Act 86-0018, of the
4 State of Illinois;

5 (6) To be present through its inspectors and agents any
6 time gambling operations are conducted on any riverboat or
7 in any casino for the purpose of certifying the revenue
8 thereof, receiving complaints from the public, and
9 conducting such other investigations into the conduct of
10 the gambling games and the maintenance of the equipment as
11 from time to time the Board may deem necessary and proper;

12 (7) To review and rule upon any complaint by a licensee
13 regarding any investigative procedures of the State which
14 are unnecessarily disruptive of gambling operations. The
15 need to inspect and investigate shall be presumed at all
16 times. The disruption of a licensee's operations shall be
17 proved by clear and convincing evidence, and establish
18 that: (A) the procedures had no reasonable law enforcement
19 purposes, and (B) the procedures were so disruptive as to
20 unreasonably inhibit gambling operations;

21 (8) To hold at least one meeting each quarter of the
22 fiscal year. In addition, special meetings may be called by
23 the Chairman or any 2 Board members upon 72 hours written
24 notice to each member. All Board meetings shall be subject
25 to the Open Meetings Act. Three members of the Board shall
26 constitute a quorum, and 3 votes shall be required for any

1 final determination by the Board. The Board shall keep a
2 complete and accurate record of all its meetings. A
3 majority of the members of the Board shall constitute a
4 quorum for the transaction of any business, for the
5 performance of any duty, or for the exercise of any power
6 which this Act requires the Board members to transact,
7 perform or exercise en banc, except that, upon order of the
8 Board, one of the Board members or an administrative law
9 judge designated by the Board may conduct any hearing
10 provided for under this Act or by Board rule and may
11 recommend findings and decisions to the Board. The Board
12 member or administrative law judge conducting such hearing
13 shall have all powers and rights granted to the Board in
14 this Act. The record made at the time of the hearing shall
15 be reviewed by the Board, or a majority thereof, and the
16 findings and decision of the majority of the Board shall
17 constitute the order of the Board in such case;

18 (9) To maintain records which are separate and distinct
19 from the records of any other State board or commission.
20 Such records shall be available for public inspection and
21 shall accurately reflect all Board proceedings;

22 (10) To file a written annual report with the Governor
23 on or before March 1 each year and such additional reports
24 as the Governor may request. The annual report shall
25 include a statement of receipts and disbursements by the
26 Board, actions taken by the Board, and any additional

1 information and recommendations which the Board may deem
2 valuable or which the Governor may request;

3 (11) (Blank);

4 (12) (Blank);

5 (13) To assume responsibility for administration and
6 enforcement of the Video Gaming Act; and

7 (14) To adopt, by rule, a code of conduct governing
8 Board members and employees that ensure, to the maximum
9 extent possible, that persons subject to this Code avoid
10 situations, relationships, or associations that may
11 represent or lead to a conflict of interest.

12 Any action by the Board or staff of the Board, including,
13 but not limited to, denying a renewal, approving procedures
14 (including internal controls), levying a fine or penalty,
15 promotions, or other activities affecting an applicant for
16 licensure or a licensee, may at the discretion of the applicant
17 or licensee be appealed to an administrative law judge in
18 accordance with subsection (b) of Section 17.1.

19 Internal controls and changes submitted by licensees must
20 be reviewed and either approved or denied with cause within 60
21 days after receipt by the Illinois Gaming Board.

22 (c) The Board shall have jurisdiction over and shall
23 supervise all gambling operations governed by this Act,
24 including the operation of a casino. The Board shall have all
25 powers necessary and proper to fully and effectively execute
26 the provisions of this Act, including, but not limited to, the

1 following:

2 (1) To investigate applicants and determine the
3 eligibility of applicants for licenses and to select among
4 competing applicants the applicants which best serve the
5 interests of the citizens of Illinois.

6 (2) To have jurisdiction and supervision over all
7 ~~riverboat~~ gambling operations authorized under this Act in
8 ~~this State~~ and all persons in places ~~on riverboats~~ where
9 gambling operations are conducted.

10 (3) To promulgate rules and regulations for the purpose
11 of administering the provisions of this Act and to
12 prescribe rules, regulations and conditions under which
13 all ~~riverboat~~ gambling operations subject to this Act in
14 ~~the State~~ shall be conducted. Such rules and regulations
15 are to provide for the prevention of practices detrimental
16 to the public interest and for the best interests of
17 ~~riverboat~~ gambling, including rules and regulations
18 regarding the inspection of casinos and ~~such~~ riverboats and
19 the review of any permits or licenses necessary to operate
20 a riverboat or casino under any laws or regulations
21 applicable to riverboats, or casinos and to impose
22 penalties for violations thereof.

23 (4) To enter the office, riverboats, casinos, and other
24 facilities, or other places of business of a licensee,
25 where evidence of the compliance or noncompliance with the
26 provisions of this Act is likely to be found.

1 (5) To investigate alleged violations of this Act or
2 the rules of the Board and to take appropriate disciplinary
3 action against a licensee or a holder of an occupational
4 license for a violation, or institute appropriate legal
5 action for enforcement, or both.

6 (6) To adopt standards for the licensing of all persons
7 under this Act, as well as for electronic or mechanical
8 gambling games, and to establish fees for such licenses.

9 (7) To adopt appropriate standards for all riverboats,
10 casinos, and other facilities authorized under this Act.

11 (8) To require that the records, including financial or
12 other statements of any licensee under this Act, shall be
13 kept in such manner as prescribed by the Board and that any
14 such licensee involved in the ownership or management of
15 gambling operations submit to the Board an annual balance
16 sheet and profit and loss statement, list of the
17 stockholders or other persons having a 1% or greater
18 beneficial interest in the gambling activities of each
19 licensee, and any other information the Board deems
20 necessary in order to effectively administer this Act and
21 all rules, regulations, orders and final decisions
22 promulgated under this Act.

23 (9) To conduct hearings, issue subpoenas for the
24 attendance of witnesses and subpoenas duces tecum for the
25 production of books, records and other pertinent documents
26 in accordance with the Illinois Administrative Procedure

1 Act, and to administer oaths and affirmations to the
2 witnesses, when, in the judgment of the Board, it is
3 necessary to administer or enforce this Act or the Board
4 rules.

5 (10) To prescribe a form to be used by any licensee
6 involved in the ownership or management of gambling
7 operations as an application for employment for their
8 employees.

9 (11) To revoke or suspend licenses, as the Board may
10 see fit and in compliance with applicable laws of the State
11 regarding administrative procedures, and to review
12 applications for the renewal of licenses. The Board may
13 suspend an owners license or casino operator license,
14 without notice or hearing upon a determination that the
15 safety or health of patrons or employees is jeopardized by
16 continuing a gambling operation conducted under that
17 license ~~riverboat's operation~~. The suspension may remain
18 in effect until the Board determines that the cause for
19 suspension has been abated. The Board may revoke the owners
20 license or casino operator license upon a determination
21 that the licensee ~~owner~~ has not made satisfactory progress
22 toward abating the hazard.

23 (12) To eject or exclude or authorize the ejection or
24 exclusion of, any person from ~~riverboat~~ gambling
25 facilities where that ~~such~~ person is in violation of this
26 Act, rules and regulations thereunder, or final orders of

1 the Board, or where such person's conduct or reputation is
2 such that his or her presence within the ~~riverboat~~ gambling
3 facilities may, in the opinion of the Board, call into
4 question the honesty and integrity of the gambling
5 operations or interfere with the orderly conduct thereof;
6 provided that the propriety of such ejection or exclusion
7 is subject to subsequent hearing by the Board.

8 (13) To require all licensees of gambling operations to
9 utilize a cashless wagering system whereby all players'
10 money is converted to tokens, electronic cards, or chips
11 which shall be used only for wagering in the gambling
12 establishment.

13 (14) (Blank).

14 (15) To suspend, revoke or restrict licenses, to
15 require the removal of a licensee or an employee of a
16 licensee for a violation of this Act or a Board rule or for
17 engaging in a fraudulent practice, and to impose civil
18 penalties of up to \$5,000 against individuals and up to
19 \$10,000 or an amount equal to the daily gross receipts,
20 whichever is larger, against licensees for each violation
21 of any provision of the Act, any rules adopted by the
22 Board, any order of the Board or any other action which, in
23 the Board's discretion, is a detriment or impediment to
24 ~~riverboat~~ gambling operations.

25 (16) To hire employees to gather information, conduct
26 investigations and carry out any other tasks contemplated

1 under this Act.

2 (17) To establish minimum levels of insurance to be
3 maintained by licensees.

4 (18) To authorize a licensee to sell or serve alcoholic
5 liquors, wine or beer as defined in the Liquor Control Act
6 of 1934 on board a riverboat or in a casino and to have
7 exclusive authority to establish the hours for sale and
8 consumption of alcoholic liquor on board a riverboat or in
9 a casino, notwithstanding any provision of the Liquor
10 Control Act of 1934 or any local ordinance, and regardless
11 of whether the riverboat makes excursions. The
12 establishment of the hours for sale and consumption of
13 alcoholic liquor on board a riverboat or in a casino is an
14 exclusive power and function of the State. A home rule unit
15 may not establish the hours for sale and consumption of
16 alcoholic liquor on board a riverboat or in a casino. This
17 subdivision (18) ~~amendatory Act of 1991~~ is a denial and
18 limitation of home rule powers and functions under
19 subsection (h) of Section 6 of Article VII of the Illinois
20 Constitution.

21 (19) After consultation with the U.S. Army Corps of
22 Engineers, to establish binding emergency orders upon the
23 concurrence of a majority of the members of the Board
24 regarding the navigability of water, relative to
25 excursions, in the event of extreme weather conditions,
26 acts of God or other extreme circumstances.

1 (20) To delegate the execution of any of its powers
2 under this Act for the purpose of administering and
3 enforcing this Act and its rules and regulations hereunder.

4 (20.5) To approve any contract entered into on its
5 behalf.

6 (20.6) To appoint investigators to conduct
7 investigations, searches, seizures, arrests, and other
8 duties imposed under this Act, as deemed necessary by the
9 Board. These investigators have and may exercise all of the
10 rights and powers of peace officers, provided that these
11 powers shall be limited to offenses or violations occurring
12 or committed on a riverboat or dock, as defined in
13 subsections (d) and (f) of Section 4, or as otherwise
14 provided by this Act or any other law.

15 (20.7) To contract with the Department of State Police
16 for the use of trained and qualified State police officers
17 and with the Department of Revenue for the use of trained
18 and qualified Department of Revenue investigators to
19 conduct investigations, searches, seizures, arrests, and
20 other duties imposed under this Act and to exercise all of
21 the rights and powers of peace officers, provided that the
22 powers of Department of Revenue investigators under this
23 subdivision (20.7) shall be limited to offenses or
24 violations occurring or committed on a riverboat or dock,
25 as defined in subsections (d) and (f) of Section 4, or as
26 otherwise provided by this Act or any other law. In the

1 event the Department of State Police or the Department of
2 Revenue is unable to fill contracted police or
3 investigative positions, the Board may appoint
4 investigators to fill those positions pursuant to
5 subdivision (20.6).

6 (21) To supervise and regulate the Chicago Casino
7 Development Authority in accordance with the Chicago
8 Casino Development Authority Act and the provisions of this
9 Act.

10 (22) ~~(21)~~ To take any other action as may be reasonable
11 or appropriate to enforce this Act and rules and
12 regulations hereunder.

13 (d) The Board may seek and shall receive the cooperation of
14 the Department of State Police in conducting background
15 investigations of applicants and in fulfilling its
16 responsibilities under this Section. Costs incurred by the
17 Department of State Police as a result of such cooperation
18 shall be paid by the Board in conformance with the requirements
19 of Section 2605-400 of the Department of State Police Law (20
20 ILCS 2605/2605-400).

21 (e) The Board must authorize to each investigator and to
22 any other employee of the Board exercising the powers of a
23 peace officer a distinct badge that, on its face, (i) clearly
24 states that the badge is authorized by the Board and (ii)
25 contains a unique identifying number. No other badge shall be
26 authorized by the Board.

1 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
2 96-1000, eff. 7-2-10; 96-1392, eff. 1-1-11.)

3 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

4 Sec. 5.1. Disclosure of records.

5 (a) Notwithstanding any applicable statutory provision to
6 the contrary, the Board shall, on written request from any
7 person, provide information furnished by an applicant or
8 licensee concerning the applicant or licensee, his products,
9 services or gambling enterprises and his business holdings, as
10 follows:

11 (1) The name, business address and business telephone
12 number of any applicant or licensee.

13 (2) An identification of any applicant or licensee
14 including, if an applicant or licensee is not an
15 individual, the state of incorporation or registration,
16 the corporate officers, and the identity of all
17 shareholders or participants. If an applicant or licensee
18 has a pending registration statement filed with the
19 Securities and Exchange Commission, only the names of those
20 persons or entities holding interest of 5% or more must be
21 provided.

22 (3) An identification of any business, including, if
23 applicable, the state of incorporation or registration, in
24 which an applicant or licensee or an applicant's or
25 licensee's spouse or children has an equity interest of

1 more than 1%. If an applicant or licensee is a corporation,
2 partnership or other business entity, the applicant or
3 licensee shall identify any other corporation, partnership
4 or business entity in which it has an equity interest of 1%
5 or more, including, if applicable, the state of
6 incorporation or registration. This information need not
7 be provided by a corporation, partnership or other business
8 entity that has a pending registration statement filed with
9 the Securities and Exchange Commission.

10 (4) Whether an applicant or licensee has been indicted,
11 convicted, pleaded guilty or nolo contendere, or forfeited
12 bail concerning any criminal offense under the laws of any
13 jurisdiction, either felony or misdemeanor (except for
14 traffic violations), including the date, the name and
15 location of the court, arresting agency and prosecuting
16 agency, the case number, the offense, the disposition and
17 the location and length of incarceration.

18 (5) Whether an applicant or licensee has had any
19 license or certificate issued by a licensing authority in
20 Illinois or any other jurisdiction denied, restricted,
21 suspended, revoked or not renewed and a statement
22 describing the facts and circumstances concerning the
23 denial, restriction, suspension, revocation or
24 non-renewal, including the licensing authority, the date
25 each such action was taken, and the reason for each such
26 action.

1 (6) Whether an applicant or licensee has ever filed or
2 had filed against it a proceeding in bankruptcy or has ever
3 been involved in any formal process to adjust, defer,
4 suspend or otherwise work out the payment of any debt
5 including the date of filing, the name and location of the
6 court, the case and number of the disposition.

7 (7) Whether an applicant or licensee has filed, or been
8 served with a complaint or other notice filed with any
9 public body, regarding the delinquency in the payment of,
10 or a dispute over the filings concerning the payment of,
11 any tax required under federal, State or local law,
12 including the amount, type of tax, the taxing agency and
13 time periods involved.

14 (8) A statement listing the names and titles of all
15 public officials or officers of any unit of government, and
16 relatives of said public officials or officers who,
17 directly or indirectly, own any financial interest in, have
18 any beneficial interest in, are the creditors of or hold
19 any debt instrument issued by, or hold or have any interest
20 in any contractual or service relationship with, an
21 applicant or licensee.

22 (9) Whether an applicant or licensee has made, directly
23 or indirectly, any political contribution, or any loans,
24 donations or other payments, to any candidate or office
25 holder, within 5 years from the date of filing the
26 application, including the amount and the method of

1 payment.

2 (10) The name and business telephone number of the
3 counsel representing an applicant or licensee in matters
4 before the Board.

5 (11) A description of any proposed or approved
6 riverboat or casino gaming operation, including the type of
7 boat, home dock or casino location, expected economic
8 benefit to the community, anticipated or actual number of
9 employees, any statement from an applicant or licensee
10 regarding compliance with federal and State affirmative
11 action guidelines, projected or actual admissions and
12 projected or actual adjusted gross gaming receipts.

13 (12) A description of the product or service to be
14 supplied by an applicant for a supplier's license.

15 (b) Notwithstanding any applicable statutory provision to
16 the contrary, the Board shall, on written request from any
17 person, also provide the following information:

18 (1) The amount of the wagering tax and admission tax
19 paid daily to the State of Illinois by the holder of an
20 owner's license.

21 (2) Whenever the Board finds an applicant for an
22 owner's license unsuitable for licensing, a copy of the
23 written letter outlining the reasons for the denial.

24 (3) Whenever the Board has refused to grant leave for
25 an applicant to withdraw his application, a copy of the
26 letter outlining the reasons for the refusal.

1 (c) Subject to the above provisions, the Board shall not
2 disclose any information which would be barred by:

3 (1) Section 7 of the Freedom of Information Act; or

4 (2) The statutes, rules, regulations or
5 intergovernmental agreements of any jurisdiction.

6 (d) The Board may assess fees for the copying of
7 information in accordance with Section 6 of the Freedom of
8 Information Act.

9 (Source: P.A. 96-1392, eff. 1-1-11.)

10 (230 ILCS 10/5.3 new)

11 Sec. 5.3. Ethical conduct.

12 (a) Officials of the corporate authority of a host
13 community must carry out their duties and responsibilities in
14 such a manner as to promote and preserve public trust and
15 confidence in the integrity and conduct of gaming.

16 (b) Officials of the corporate authority of a host
17 community shall not use or attempt to use his or her official
18 position to secure or attempt to secure any privilege,
19 advantage, favor, or influence for himself or herself or
20 others.

21 (c) Officials of the corporate authority of a host
22 community may not have a financial interest, directly or
23 indirectly, in his or her own name or in the name of any other
24 person, partnership, association, trust, corporation, or other
25 entity in any contract or subcontract for the performance of

1 any work for a riverboat or casino that is located in the host
2 community. This prohibition shall extend to the holding or
3 acquisition of an interest in any entity identified by Board
4 action that, in the Board's judgment, could represent the
5 potential for or the appearance of a financial interest. The
6 holding or acquisition of an interest in such entities through
7 an indirect means, such as through a mutual fund, shall not be
8 prohibited, except that the Board may identify specific
9 investments or funds that, in its judgment, are so influenced
10 by gaming holdings as to represent the potential for or the
11 appearance of a conflict of interest.

12 (d) Officials of the corporate authority of a host
13 community may not accept any gift, gratuity, service,
14 compensation, travel, lodging, or thing of value, with the
15 exception of unsolicited items of an incidental nature, from
16 any person, corporation, or entity doing business with the
17 riverboat or casino that is located in the host community.

18 (e) Officials of the corporate authority of a host
19 community shall not, during the period that the person is an
20 official of the corporate authority or for a period of 2 years
21 immediately after leaving such office, knowingly accept
22 employment or receive compensation or fees for services from a
23 person or entity, or its parent or affiliate, that has engaged
24 in business with the riverboat or casino that is located in the
25 host community that resulted in contracts with an aggregate
26 value of at least \$25,000 or if that official has made a

1 decision that directly applied to the person or entity, or its
2 parent or affiliate.

3 (f) A spouse, child, or parent of an official of the
4 corporate authority of a host community may not have a
5 financial interest, directly or indirectly, in his or her own
6 name or in the name of any other person, partnership,
7 association, trust, corporation, or other entity in any
8 contract or subcontract for the performance of any work for
9 riverboat or casino in the host community. This prohibition
10 shall extend to the holding or acquisition of an interest in
11 any entity identified by Board action that, in the judgment of
12 the Board, could represent the potential for or the appearance
13 of a conflict of interest. The holding or acquisition of an
14 interest in such entities through an indirect means, such as
15 through a mutual fund, shall not be prohibited, except that the
16 Board may identify specific investments or funds that, in its
17 judgment, are so influenced by gaming holdings as to represent
18 the potential for or the appearance of a conflict of interest.

19 (g) A spouse, child, or parent of an official of the
20 corporate authority of a host community may not accept any
21 gift, gratuity, service, compensation, travel, lodging, or
22 thing of value, with the exception of unsolicited items of an
23 incidental nature, from any person, corporation, or entity
24 doing business with the riverboat or casino that is located in
25 the host community.

26 (h) A spouse, child, or parent of an official of the

1 corporate authority of a host community may not, during the
2 period that the person is an official of the corporate
3 authority or for a period of 2 years immediately after leaving
4 such office, knowingly accept employment or receive
5 compensation or fees for services from a person or entity, or
6 its parent or affiliate, that has engaged in business with the
7 riverboat or casino that is located in the host community that
8 resulted in contracts with an aggregate value of at least
9 \$25,000 or if that official has made a decision that directly
10 applied to the person or entity, or its parent or affiliate.

11 (i) Officials of the corporate authority of a host
12 community shall not attempt, in any way, to influence any
13 person or corporation doing business with the riverboat or
14 casino that is located in the host community or any officer,
15 agent, or employee thereof to hire or contract with any person
16 or corporation for any compensated work.

17 (j) Any communication between an official of the corporate
18 authority of a host community and any applicant for an owners
19 license in the host community, or an officer, director, or
20 employee of a riverboat or casino in the host community,
21 concerning any manner relating in any way to gaming shall be
22 disclosed to the Board. Such disclosure shall be in writing by
23 the official within 30 days after the communication and shall
24 be filed with the Board. Disclosure must consist of the date of
25 the communication, the identity and job title of the person
26 with whom the communication was made, a brief summary of the

1 communication, the action requested or recommended, all
2 responses made, the identity and job title of the person making
3 the response, and any other pertinent information. Public
4 disclosure of the written summary provided to the Board and the
5 Gaming Board shall be subject to the exemptions provided under
6 the Freedom of Information Act.

7 (k) Any official who violates any provision of this Section
8 is guilty of a Class 4 felony.

9 (l) For purposes of this Section, "host community" or "host
10 municipality" means a unit of local government that contains a
11 riverboat or casino within its borders.

12 (m) Any person or business entity that holds a license or
13 is an applicant for a license under this Act, and any
14 affiliated entity or affiliated person of such business entity,
15 are prohibited from making any contributions to any political
16 committees or campaigns established to promote the candidacy of
17 any officeholder or any other declared candidate for any office
18 in Illinois. For licensees, this prohibition shall be effective
19 for a period of 2 years following the expiration, termination,
20 or revocation of a license. For applicants who do not receive a
21 license, this prohibition shall be in place from the time
22 applications are solicited until the application has been
23 denied or the license at issue has been awarded and any related
24 protests or legal actions have been completed. For purposes of
25 this Section, the definitions of "business entity",
26 "affiliated person", and "affiliated entity" set forth in

1 Section 50-37 of the Illinois Procurement Code shall apply.

2 Any person or entity that makes a prohibited political
3 contribution is subject to a fine of up to \$200,000 per
4 violation and any other action deemed appropriate by the
5 Illinois Gaming Board.

6 (n) Any casino operator licensee, applicant for a casino
7 operator license, or affiliated entity that has a contract or a
8 pending bid or proposal with the Chicago Casino Development
9 Authority or the Chicago Casino Operator/Developer, shall be
10 prohibited from making any contributions to any political
11 committees or campaigns established to promote the candidacy of
12 any officeholder or any other declared candidates for any
13 office in Illinois. This prohibition shall be effective for a
14 period of 2 years following the expiration or termination of
15 the contracts. For such companies that have pending bids or
16 proposals, the contribution ban shall begin on the date the
17 invitation for bids or request for proposals is issued.

18 All contracts between the Chicago Casino Development
19 Authority or the Chicago Casino Operator/Developer and a
20 business entity that violates this Section shall be voidable.
21 If this provision is violated more than 3 times in a 36-month
22 period, then all such contracts shall be void. Furthermore,
23 that business entity will be prohibited from doing any business
24 with the Illinois Gaming Board, the Illinois Racing Board, the
25 Chicago Casino Development Authority, or the Chicago Casino
26 Operator/Developer for 3 years from the date of the last

1 violation. A notice of each violation and corresponding penalty
2 shall be published in the Illinois Register and the Illinois
3 Procurement Bulletin.

4 Any person or entity that makes a prohibited political
5 contribution is subject to a fine of up to \$200,000 per
6 violation and any other action deemed appropriate by the
7 Illinois Gaming Board.

8 (230 ILCS 10/6) (from Ch. 120, par. 2406)

9 Sec. 6. Application for Owners License.

10 (a) A qualified person may apply to the Board for an owners
11 license to conduct a riverboat gambling operation as provided
12 in this Act. The application shall be made on forms provided by
13 the Board and shall contain such information as the Board
14 prescribes, including but not limited to the identity of the
15 riverboat on which such gambling operation is to be conducted,
16 if applicable, and the exact location where such riverboat or
17 casino will be located ~~docked~~, a certification that the
18 riverboat will be registered under this Act at all times during
19 which gambling operations are conducted on board, detailed
20 information regarding the ownership and management of the
21 applicant, and detailed personal information regarding the
22 applicant. Any application for an owners license to be
23 re-issued on or after June 1, 2003 shall also include the
24 applicant's license bid in a form prescribed by the Board.
25 Information provided on the application shall be used as a

1 basis for a thorough background investigation which the Board
2 shall conduct with respect to each applicant. An incomplete
3 application shall be cause for denial of a license by the
4 Board.

5 (a-5) In addition to any other information required under
6 this Section, each application for an owners license must
7 include the following information:

8 (1) The history and success of the applicant and each
9 person and entity disclosed under subsection (c) of this
10 Section in developing tourism facilities ancillary to
11 gaming, if applicable.

12 (2) The likelihood that granting a license to the
13 applicant will lead to the creation of quality, living wage
14 jobs and permanent, full-time jobs for residents of the
15 State and residents of the unit of local government that is
16 designated as the home dock of the proposed facility where
17 gambling is to be conducted by the applicant.

18 (3) The projected number of jobs that would be created
19 if the license is granted and the projected number of new
20 employees at the proposed facility where gambling is to be
21 conducted by the applicant.

22 (4) The record of the applicant and its developer in
23 meeting commitments to local agencies, community-based
24 organizations, and employees at other locations where the
25 applicant or its developer has performed similar functions
26 as they would perform if the applicant were granted a

1 license.

2 (5) Identification of adverse effects that might be
3 caused by the proposed facility where gambling is to be
4 conducted by the applicant, including the costs of meeting
5 increased demand for public health care, child care, public
6 transportation, affordable housing, and social services,
7 and a plan to mitigate those adverse effects.

8 (6) The record of the applicant and its developer
9 regarding compliance with:

10 (A) federal, state, and local discrimination, wage
11 and hour, disability, and occupational and
12 environmental health and safety laws; and

13 (B) state and local labor relations and employment
14 laws.

15 (7) The applicant's record in dealing with its
16 employees and their representatives at other locations.

17 (8) A plan concerning the utilization of minority
18 person-owned and female-owned businesses and concerning
19 the hiring of minorities and females.

20 (9) Evidence the applicant used its best efforts to
21 reach a goal of 25% ownership representation by minority
22 persons and 5% ownership representation by females.

23 (b) Applicants shall submit with their application all
24 documents, resolutions, and letters of support from the
25 governing body that represents the municipality or county
26 wherein the licensee will be located ~~doek~~.

1 (c) Each applicant shall disclose the identity of every
2 person, association, trust or corporation having a greater than
3 1% direct or indirect pecuniary interest in the ~~riverboat~~
4 gambling operation with respect to which the license is sought.
5 If the disclosed entity is a trust, the application shall
6 disclose the names and addresses of the beneficiaries; if a
7 corporation, the names and addresses of all stockholders and
8 directors; if a partnership, the names and addresses of all
9 partners, both general and limited.

10 (d) An application shall be filed and considered in
11 accordance with the rules of the Board. An application fee of
12 \$50,000 shall be paid at the time of filing to defray the costs
13 associated with the background investigation conducted by the
14 Board. If the costs of the investigation exceed \$50,000, the
15 applicant shall pay the additional amount to the Board. If the
16 costs of the investigation are less than \$50,000, the applicant
17 shall receive a refund of the remaining amount. All
18 information, records, interviews, reports, statements,
19 memoranda or other data supplied to or used by the Board in the
20 course of its review or investigation of an application for a
21 license or a renewal under this Act shall be privileged,
22 strictly confidential and shall be used only for the purpose of
23 evaluating an applicant for a license or a renewal. Such
24 information, records, interviews, reports, statements,
25 memoranda or other data shall not be admissible as evidence,
26 nor discoverable in any action of any kind in any court or

1 before any tribunal, board, agency or person, except for any
2 action deemed necessary by the Board.

3 (e) The Board shall charge each applicant a fee set by the
4 Department of State Police to defray the costs associated with
5 the search and classification of fingerprints obtained by the
6 Board with respect to the applicant's application. These fees
7 shall be paid into the State Police Services Fund.

8 (f) The licensed owner shall be the person primarily
9 responsible for the boat or casino itself. Only one ~~riverboat~~
10 gambling operation may be authorized by the Board on any
11 riverboat or in any casino. The applicant must identify the
12 ~~each~~ riverboat or premises it intends to use and certify that
13 the riverboat or premises: (1) has the authorized capacity
14 required in this Act; (2) is accessible to disabled persons;
15 and (3) is fully registered and licensed in accordance with any
16 applicable laws.

17 (g) A person who knowingly makes a false statement on an
18 application is guilty of a Class A misdemeanor.

19 (Source: P.A. 96-1392, eff. 1-1-11.)

20 (230 ILCS 10/7) (from Ch. 120, par. 2407)

21 Sec. 7. Owners Licenses.

22 (a) The Board shall issue owners licenses to persons, firms
23 or corporations which apply for such licenses upon payment to
24 the Board of the non-refundable license fee set by the Board,
25 upon payment of a \$25,000 license fee for the first year of

1 operation and a \$5,000 license fee for each succeeding year and
2 upon a determination by the Board that the applicant is
3 eligible for an owners license pursuant to this Act and the
4 rules of the Board. From the effective date of this amendatory
5 Act of the 95th General Assembly until (i) 3 years after the
6 effective date of this amendatory Act of the 95th General
7 Assembly, (ii) the date any organization licensee begins to
8 operate a slot machine or video game of chance under the
9 Illinois Horse Racing Act of 1975 or this Act, (iii) the date
10 that payments begin under subsection (c-5) of Section 13 of the
11 Act, ~~or~~ (iv) the wagering tax imposed under Section 13 of this
12 Act is increased by law to reflect a tax rate that is at least
13 as stringent or more stringent than the tax rate contained in
14 subsection (a-3) of Section 13, or (v) when an owners licensee
15 holding a license issued pursuant to Section 7.1 of this Act
16 begins conducting gaming, whichever occurs first, as a
17 condition of licensure and as an alternative source of payment
18 for those funds payable under subsection (c-5) of Section 13 of
19 ~~this the Riverboat Gambling~~ Act, any owners licensee that holds
20 or receives its owners license on or after the effective date
21 of this amendatory Act of the 94th General Assembly, other than
22 an owners licensee operating a riverboat with adjusted gross
23 receipts in calendar year 2004 of less than \$200,000,000, must
24 pay into the Horse Racing Equity Trust Fund, in addition to any
25 other payments required under this Act, an amount equal to 3%
26 of the adjusted gross receipts received by the owners licensee.

1 The payments required under this Section shall be made by the
2 owners licensee to the State Treasurer no later than 3:00
3 o'clock p.m. of the day after the day when the adjusted gross
4 receipts were received by the owners licensee. A person, firm
5 or corporation is ineligible to receive an owners license if:

6 (1) the person has been convicted of a felony under the
7 laws of this State, any other state, or the United States;

8 (2) the person has been convicted of any violation of
9 Article 28 of the Criminal Code of 1961, or substantially
10 similar laws of any other jurisdiction;

11 (3) the person has submitted an application for a
12 license under this Act which contains false information;

13 (4) the person is a member of the Board;

14 (5) a person defined in (1), (2), (3) or (4) is an
15 officer, director or managerial employee of the firm or
16 corporation;

17 (6) the firm or corporation employs a person defined in
18 (1), (2), (3) or (4) who participates in the management or
19 operation of gambling operations authorized under this
20 Act;

21 (7) (blank); or

22 (8) a license of the person, firm or corporation issued
23 under this Act, or a license to own or operate gambling
24 facilities in any other jurisdiction, has been revoked.

25 The Board is expressly prohibited from making changes to
26 the requirement that licensees make payment into the Horse

1 Racing Equity Trust Fund without the express authority of the
2 Illinois General Assembly and making any other rule to
3 implement or interpret this amendatory Act of the 95th General
4 Assembly. For the purposes of this paragraph, "rules" is given
5 the meaning given to that term in Section 1-70 of the Illinois
6 Administrative Procedure Act.

7 (b) In determining whether to grant an owners license to an
8 applicant, the Board shall consider:

9 (1) the character, reputation, experience and
10 financial integrity of the applicants and of any other or
11 separate person that either:

12 (A) controls, directly or indirectly, such
13 applicant, or

14 (B) is controlled, directly or indirectly, by such
15 applicant or by a person which controls, directly or
16 indirectly, such applicant;

17 (2) the facilities or proposed facilities for the
18 conduct of ~~riverboat~~ gambling;

19 (3) the highest prospective total revenue to be derived
20 by the State from the conduct of ~~riverboat~~ gambling;

21 (4) the extent to which the ownership of the applicant
22 reflects the diversity of the State by including minority
23 persons, females, and persons with a disability and the
24 good faith affirmative action plan of each applicant to
25 recruit, train and upgrade minority persons, females, and
26 persons with a disability in all employment

1 classifications;

2 (5) the financial ability of the applicant to purchase
3 and maintain adequate liability and casualty insurance;

4 (6) whether the applicant has adequate capitalization
5 to provide and maintain, for the duration of a license, a
6 riverboat or casino;

7 (7) the extent to which the applicant exceeds or meets
8 other standards for the issuance of an owners license which
9 the Board may adopt by rule; ~~and~~

10 (8) ~~the~~ The amount of the applicant's license bid;~~;~~

11 (9) the extent to which the applicant or the proposed
12 host municipality plans to enter into revenue sharing
13 agreements with communities other than the host
14 municipality and the terms of those agreements; and

15 (10) the extent to which the ownership of an applicant
16 includes the most qualified number of minority persons,
17 females, and persons with a disability.

18 (c) Each owners license shall specify the place where the
19 casino ~~riverboats~~ shall operate or the riverboat shall operate
20 and dock.

21 (d) Each applicant shall submit with his application, on
22 forms provided by the Board, 2 sets of his fingerprints.

23 (e) In addition to any licenses authorized under subsection
24 (e-5) of this Section, the ~~The~~ Board may issue up to 10
25 licenses authorizing the holders of such licenses to own
26 riverboats. In the application for an owners license, the

1 applicant shall state the dock at which the riverboat is based
2 and the water on which the riverboat will be located. The Board
3 shall issue 5 licenses to become effective not earlier than
4 January 1, 1991. Three of such licenses shall authorize
5 riverboat gambling on the Mississippi River, or, with approval
6 by the municipality in which the riverboat was docked on August
7 7, 2003 and with Board approval, be authorized to relocate to a
8 new location, in a municipality that (1) borders on the
9 Mississippi River or is within 5 miles of the city limits of a
10 municipality that borders on the Mississippi River and (2), on
11 August 7, 2003, had a riverboat conducting riverboat gambling
12 operations pursuant to a license issued under this Act; one of
13 which shall authorize riverboat gambling from a home dock in
14 the city of East St. Louis. One other license shall authorize
15 riverboat gambling on the Illinois River in Tazewell County or,
16 with approval by a municipality in which such riverboat was
17 docked on January 1, 2010 and with Board approval, shall
18 authorize the riverboat to relocate to a new location that is
19 no more than 10 miles away from its original location, in a
20 municipality that (1) borders on the Illinois River or is
21 within 5 miles of the city limits of a municipality that
22 borders on the Illinois River and (2) on January 1, 2010, had a
23 riverboat conducting riverboat gambling operations pursuant to
24 a license issued under this Act ~~south of Marshall County~~. The
25 Board shall issue one additional license to become effective
26 not earlier than March 1, 1992, which shall authorize riverboat

1 gambling on the Des Plaines River in Will County. The Board may
2 issue 4 additional licenses to become effective not earlier
3 than March 1, 1992. In determining the water upon which
4 riverboats will operate, the Board shall consider the economic
5 benefit which riverboat gambling confers on the State, and
6 shall seek to assure that all regions of the State share in the
7 economic benefits of riverboat gambling.

8 In granting all licenses, the Board may give favorable
9 consideration to economically depressed areas of the State, to
10 applicants presenting plans which provide for significant
11 economic development over a large geographic area, and to
12 applicants who currently operate non-gambling riverboats in
13 Illinois. The Board shall review all applications for owners
14 licenses, and shall inform each applicant of the Board's
15 decision. The Board may grant an owners license to an applicant
16 that has not submitted the highest license bid, but if it does
17 not select the highest bidder, the Board shall issue a written
18 decision explaining why another applicant was selected and
19 identifying the factors set forth in this Section that favored
20 the winning bidder.

21 (e-5) In addition to licenses authorized under subsection
22 (e) of this Section, the Board may issue the following
23 licenses:

24 (1) One owners license authorizing the conduct of
25 casino gambling in the City of Chicago.

26 (2) One owners license authorizing the conduct of

1 riverboat gambling in the City of Danville.

2 (3) One owners license authorizing the conduct of
3 riverboat gambling located in Lake County.

4 (4) One owners license authorizing the conduct of
5 riverboat gambling in the City of Rockford.

6 (5) One owners license authorizing the conduct of
7 riverboat gambling in a municipality that is located in one
8 of the following townships of Cook County: Bloom, Bremen,
9 Calumet, Rich, Thornton, or Worth Township.

10 (e-10) The licenses authorized under subsection (e-5) of
11 this Section shall be issued within 12 months after an initial
12 application is filed for each of the locations identified in
13 subsection (e-5). The Board may extend this period for no
14 longer than 6 months and shall provide the reasons for the
15 extension. The fee for the issuance or renewal of a license
16 issued pursuant to subsection (e-5) shall be \$100,000.
17 Additionally, a licensee located outside of Cook County shall
18 pay a minimum initial fee of \$25,000 per gaming position, and a
19 licensee located in Cook County shall pay \$50,000 per gaming
20 position. The initial fees payable under this subsection (e-10)
21 shall be deposited into the Gaming Facilities Fee Revenue Fund.

22 (e-15) Each licensee of a license authorized under
23 subsection (e-5) of this Section shall make a reconciliation
24 payment 3 years after the date the licensee begins operating in
25 an amount equal to 75% of the adjusted gross receipts for the
26 most lucrative 12-month period of operations, minus an amount

1 equal to the initial \$25,000 or \$50,000 or such other amount as
2 was paid per gaming position, whichever was the initial amount
3 paid by the specific licensee. If this calculation results in a
4 negative amount, then the licensee is not entitled to any
5 reimbursement of fees previously paid. This reconciliation
6 payment may be made in installments over a period of no more
7 than 2 years, subject to Board approval. Any installment
8 payments shall include an annual market interest rate as
9 determined by the Board. All payments by licensees under this
10 subsection (e-15) shall be deposited into the Gaming Facilities
11 Fee Revenue Fund.

12 (e-20) In addition to any other revocation powers granted
13 to the Board under this Act, the Board may revoke the owners
14 license of a licensee which fails to begin conducting gambling
15 within 15 months of receipt of the Board's approval of the
16 application if the Board determines that license revocation is
17 in the best interests of the State.

18 (e-25) The provisions of this subsection (e-25) apply only
19 to an owners licensee of a license issued or re-issued pursuant
20 to Section 7.1 of this Act and if the owners licensee was found
21 preliminarily suitable or suitable by the Board prior to the
22 effective date of this amendatory Act of the 97th General
23 Assembly. The owners licensee shall pay (i) a \$100,000 fee for
24 the issuance or renewal of its license and (ii) an initial fee
25 of \$50,000 per gaming position in place of, and not in addition
26 to, the initial fee required under subsection (h) of this

1 Section. Additionally, the owners licensee shall make a
2 reconciliation payment on July 1, 2016 in an amount equal to
3 75% of the average annual adjusted gross receipts, minus an
4 amount equal to the \$50,000 initial payment per gaming
5 position. If this calculation results in a negative amount,
6 then the owners licensee is not entitled to any reimbursement
7 of fees previously paid. This reconciliation payment may be
8 made in installments over a period of no more than 5 years,
9 subject to Board approval. Any installment payments shall
10 include an annual market interest rate as determined by the
11 Board. All payments by licensees under this subsection (e-25)
12 shall be deposited into the Gaming Facilities Fee Revenue Fund.
13 For any payments required under this Section 7, the owners
14 licensee shall receive (i) a credit for any amounts that the
15 owners licensee has paid to the State or the Board or their
16 agents prior to November 1, 2010 for consultants, licensing
17 fees, up-front fees, or other items and (ii) a credit for the
18 payments that the unit of local government has pledged to remit
19 to the State, which shall be equal to the present value of such
20 payments as determined by the Board in its decision dated
21 January 14, 2009. An owners licensee subject to this subsection
22 (e-25) shall only pay the initial fees required pursuant to
23 this subsection and shall not have to pay any initial fees or
24 payments that were ordered by the Board prior to November 1,
25 2010. However, any payments that have been made by an owners
26 licensee subject to this subsection (e-25) to the State or to

1 the Board or their agents shall remain with the State and the
2 owners licensee shall receive a credit as specified in this
3 subsection (e-25).

4 In the event the owners licensee has made payments on or
5 after November 1, 2010 but prior to the effective date of this
6 amendatory Act of the 97th General Assembly to the State or the
7 Board or their agents towards the amount it bid during the
8 selection process to receive its owners license, then such
9 payments shall be refunded to the owners licensee. The refund
10 shall be in the form of a credit, which shall offset taxes due
11 under Section 12 and Section 13 in the amount of such prior
12 payments to the State or the Board or their agents as such
13 taxes under Section 12 and Section 13 become due, and which
14 credit shall be in addition to any other credit granted in this
15 subsection (e-25) and elsewhere in the Illinois Gambling Act.
16 If any credit granted in this subsection (e-25) is not fully
17 utilized in any given year, then the remainder shall be carried
18 forward to subsequent years until such credit has been fully
19 utilized. Consistent with the provisions contained in this
20 subsection (e-25), the owners licensee shall be treated as
21 having paid the amount of taxes due under Sections 12 and 13
22 without reduction for the credit granted in this subsection
23 (e-25), and the amount of such credit shall be considered a
24 refund of the owners licensee bid amount as such credit is
25 utilized.

26 (f) The first 10 owners licenses issued under this Act

1 shall permit the holder to own up to 2 riverboats and equipment
2 thereon for a period of 3 years after the effective date of the
3 license. Holders of the first 10 owners licenses must pay the
4 annual license fee for each of the 3 years during which they
5 are authorized to own riverboats.

6 (g) Upon the termination, expiration, or revocation of each
7 of the first 10 licenses, which shall be issued for a 3 year
8 period, all licenses are renewable annually upon payment of the
9 fee and a determination by the Board that the licensee
10 continues to meet all of the requirements of this Act and the
11 Board's rules. However, for licenses renewed on or after May 1,
12 1998, including casino operator licenses, renewal shall be for
13 a period of 4 years, unless the Board sets a shorter period,
14 subject to a determination that the licensee continues to meet
15 all of the requirements of this Act and the Board's rules.

16 (h) An owners license, except for an owners license issued
17 under subsection (e-5) of this Section, shall entitle the
18 licensee to own up to 2 riverboats.

19 An owners licensee of a casino or riverboat that is located
20 in the City of Chicago pursuant to subsection (e-5) of this
21 Section shall limit the number of gaming positions to 4,000 for
22 such owners. All other licensees A licensee shall limit the
23 number of gaming positions ~~gambling participants~~ to 1,200 for
24 any such owners license, except as provided in subsection
25 (h-5).

26 A licensee may operate both of its riverboats concurrently,

1 provided that the total number of gaming positions ~~gambling~~
2 ~~participants~~ on both riverboats does not exceed 1,200, except
3 as provided in subsection (h-5) . Riverboats licensed to
4 operate on the Mississippi River and the Illinois River south
5 of Marshall County shall have an authorized capacity of at
6 least 500 persons. Any other riverboat licensed under this Act
7 shall have an authorized capacity of at least 400 persons.

8 (h-5) The Board shall award an additional 3,200 gaming
9 positions to owners licensees in operation on the effective
10 date of this amendatory Act of the 97th General Assembly within
11 3 years of the effective date of this amendatory Act of the
12 97th General Assembly in accordance with the provisions of this
13 subsection. The Board shall solicit bids from those owners
14 licensees seeking to obtain additional gaming positions,
15 provided, however, that an owners license may not exceed more
16 than 2,000 gaming positions. The Board shall award gaming
17 positions to the highest bidders. The Board may adopt rules to
18 implement the provisions of this subsection.

19 (i) A licensed owner is authorized to apply to the Board
20 for and, if approved therefor, to receive all licenses from the
21 Board necessary for the operation of a riverboat or a casino,
22 including a liquor license, a license to prepare and serve food
23 for human consumption, and other necessary licenses. All use,
24 occupation and excise taxes which apply to the sale of food and
25 beverages in this State and all taxes imposed on the sale or
26 use of tangible personal property apply to such sales aboard

1 the riverboat or in the casino.

2 (j) The Board may issue or re-issue a license authorizing a
3 riverboat to dock in a municipality or approve a relocation
4 under Section 11.2 only if, prior to the issuance or
5 re-issuance of the license or approval, the governing body of
6 the municipality in which the riverboat will dock has by a
7 majority vote approved the docking of riverboats in the
8 municipality. The Board may issue or re-issue a license
9 authorizing a riverboat to dock in areas of a county outside
10 any municipality or approve a relocation under Section 11.2
11 only if, prior to the issuance or re-issuance of the license or
12 approval, the governing body of the county has by a majority
13 vote approved of the docking of riverboats within such areas.

14 (k) An owners licensee may conduct land-based gambling
15 operations upon approval by the Board.

16 (l) An owners licensee may conduct gaming at a temporary
17 facility pending the construction of a permanent facility or
18 the remodeling or relocation of an existing facility to
19 accommodate gaming participants for up to 24 months after the
20 temporary facility begins to conduct gaming. Upon request by an
21 owners licensee and upon a showing of good cause by the owners
22 licensee, the Board shall extend the period during which the
23 licensee may conduct gaming at a temporary facility by up to 12
24 months. The Board shall make rules concerning the conduct of
25 gaming from temporary facilities.

26 (Source: P.A. 95-1008, eff. 12-15-08; 96-1392, eff. 1-1-11.)

1 (230 ILCS 10/7.3)

2 Sec. 7.3. State conduct of gambling operations.

3 (a) If, after reviewing each application for a re-issued
4 license, the Board determines that the highest prospective
5 total revenue to the State would be derived from State conduct
6 of the gambling operation in lieu of re-issuing the license,
7 the Board shall inform each applicant of its decision. The
8 Board shall thereafter have the authority, without obtaining an
9 owners license, to conduct riverboat gambling operations as
10 previously authorized by the terminated, expired, revoked, or
11 nonrenewed license through a licensed manager selected
12 pursuant to an open and competitive bidding process as set
13 forth in Section 7.5 and as provided in Section 7.4.

14 (b) The Board may locate any riverboat on which a gambling
15 operation is conducted by the State in any home dock location
16 authorized by Section 3(c) upon receipt of approval from a
17 majority vote of the governing body of the municipality or
18 county, as the case may be, in which the riverboat will dock.

19 (c) The Board shall have jurisdiction over and shall
20 supervise all gambling operations conducted by the State
21 provided for in this Act and shall have all powers necessary
22 and proper to fully and effectively execute the provisions of
23 this Act relating to gambling operations conducted by the
24 State.

25 (d) The maximum number of owners licenses authorized under

1 Section 7 ~~7(e)~~ shall be reduced by one for each instance in
2 which the Board authorizes the State to conduct a riverboat
3 gambling operation under subsection (a) in lieu of re-issuing a
4 license to an applicant under Section 7.1.

5 (Source: P.A. 93-28, eff. 6-20-03.)

6 (230 ILCS 10/7.5)

7 Sec. 7.5. Competitive Bidding. When the Board determines
8 that it will re-issue an owners license pursuant to an open and
9 competitive bidding process, as set forth in Section 7.1, or
10 that it will issue a managers license pursuant to an open and
11 competitive bidding process, as set forth in Section 7.4, or
12 that it will issue an owners license pursuant to an open and
13 competitive bidding process, as set forth in Section 7.11, the
14 open and competitive bidding process shall adhere to the
15 following procedures:

16 (1) The Board shall make applications for owners and
17 managers licenses available to the public and allow a
18 reasonable time for applicants to submit applications to the
19 Board.

20 (2) During the filing period for owners or managers license
21 applications, the Board may retain the services of an
22 investment banking firm to assist the Board in conducting the
23 open and competitive bidding process.

24 (3) After receiving all of the bid proposals, the Board
25 shall open all of the proposals in a public forum and disclose

1 the prospective owners or managers names, venture partners, if
2 any, and, in the case of applicants for owners licenses, the
3 locations of the proposed development sites.

4 (4) The Board shall summarize the terms of the proposals
5 and may make this summary available to the public.

6 (5) The Board shall evaluate the proposals within a
7 reasonable time and select no more than 3 final applicants to
8 make presentations of their proposals to the Board.

9 (6) The final applicants shall make their presentations to
10 the Board on the same day during an open session of the Board.

11 (7) As soon as practicable after the public presentations
12 by the final applicants, the Board, in its discretion, may
13 conduct further negotiations among the 3 final applicants.
14 During such negotiations, each final applicant may increase its
15 license bid or otherwise enhance its bid proposal. At the
16 conclusion of such negotiations, the Board shall select the
17 winning proposal. In the case of negotiations for an owners
18 license, the Board may, at the conclusion of such negotiations,
19 make the determination allowed under Section 7.3(a).

20 (8) Upon selection of a winning bid, the Board shall
21 evaluate the winning bid within a reasonable period of time for
22 licensee suitability in accordance with all applicable
23 statutory and regulatory criteria.

24 (9) If the winning bidder is unable or otherwise fails to
25 consummate the transaction, (including if the Board determines
26 that the winning bidder does not satisfy the suitability

1 requirements), the Board may, on the same criteria, select from
2 the remaining bidders or make the determination allowed under
3 Section 7.3(a).

4 (Source: P.A. 93-28, eff. 6-20-03.)

5 (230 ILCS 10/7.8 new)

6 Sec. 7.8. Casino operator license.

7 (a) A qualified person may apply to the Board for a casino
8 operator license to operate and manage any gambling operation
9 conducted by the Authority. The application shall be made on
10 forms provided by the Board and shall contain such information
11 as the Board prescribes, including but not limited to
12 information required in Sections 6(a), (b), and (c) and
13 information relating to the applicant's proposed price to
14 manage the Authority's gambling operations and to provide the
15 casino, gambling equipment, and supplies necessary to conduct
16 Authority gambling operations.

17 (b) A person, firm, or corporation is ineligible to receive
18 a casino operator license if:

19 (1) the person has been convicted of a felony under the
20 laws of this State, any other state, or the United States;

21 (2) the person has been convicted of any violation of
22 Article 28 of the Criminal Code of 1961, or substantially
23 similar laws of any other jurisdiction;

24 (3) the person has submitted an application for a
25 license under this Act which contains false information;

1 (4) the person is a member of the Board;

2 (5) a person defined in (1), (2), (3), or (4) is an
3 officer, director, or managerial employee of the firm or
4 corporation;

5 (6) the firm or corporation employs a person defined in
6 (1), (2), (3), or (4) who participates in the management or
7 operation of gambling operations authorized under this
8 Act; or

9 (7) a license of the person, firm, or corporation
10 issued under this Act, or a license to own or operate
11 gambling facilities in any other jurisdiction, has been
12 revoked.

13 (c) In determining whether to grant a casino operator
14 license, the Board shall consider:

15 (1) the character, reputation, experience and
16 financial integrity of the applicants and of any other or
17 separate person that either:

18 (A) controls, directly or indirectly, such
19 applicant, or

20 (B) is controlled, directly or indirectly, by such
21 applicant or by a person which controls, directly or
22 indirectly, such applicant;

23 (2) the facilities or proposed facilities for the
24 conduct of gambling;

25 (3) the preference of the municipality in which the
26 licensee will operate;

1 (4) the extent to which the ownership of the applicant
2 reflects the diversity of the State by including minority
3 persons and females and the good faith affirmative action
4 plan of each applicant to recruit, train, and upgrade
5 minority persons and females in all employment
6 classifications;

7 (5) the financial ability of the applicant to purchase
8 and maintain adequate liability and casualty insurance;

9 (6) whether the applicant has adequate capitalization
10 to provide and maintain, for the duration of a license, a
11 casino; and

12 (7) the extent to which the applicant exceeds or meets
13 other standards for the issuance of a managers license that
14 the Board may adopt by rule.

15 (d) Each applicant shall submit with his or her
16 application, on forms prescribed by the Board, 2 sets of his or
17 her fingerprints.

18 (e) The Board shall charge each applicant a fee, set by the
19 Board, to defray the costs associated with the background
20 investigation conducted by the Board.

21 (f) A person who knowingly makes a false statement on an
22 application is guilty of a Class A misdemeanor.

23 (g) The casino operator license shall be issued only upon
24 proof that it has entered into a labor peace agreement with
25 each labor organization that is actively engaged in
26 representing and attempting to represent casino and

1 hospitality industry workers in this State. The labor peace
2 agreement must be a valid and enforceable agreement under 29
3 U.S.C. 185 that protects the city's and State's revenues from
4 the operation of the casino facility by prohibiting the labor
5 organization and its members from engaging in any picketing,
6 work stoppages, boycotts, or any other economic interference
7 with the casino facility for at least the first 5 years of the
8 casino license and must cover all operations at the casino
9 facility that are conducted by lessees or tenants or under
10 management agreements.

11 (h) The casino operator license shall be for a term to be
12 determined by the Authority, shall be renewable at the Board's
13 option, and shall contain such terms and provisions as the
14 Board deems necessary to protect or enhance the credibility and
15 integrity of State gambling operations, achieve the highest
16 prospective total revenue to the State, and otherwise serve the
17 interests of the citizens of Illinois. The Board may revoke the
18 license:

19 (1) for violation of any provision of this Act;

20 (2) for violation of any rules of the Board;

21 (3) for any cause which, if known to the Board, would
22 have disqualified the applicant from receiving the
23 license; or

24 (4) for any other just cause.

1 Sec. 7.9. Diversity program.

2 (a) Each owners licensee, electronic gaming licensee,
3 casino operator licensee, and suppliers licensee shall
4 establish and maintain a diversity program to ensure
5 non-discrimination in the award and administration of
6 contracts. The programs shall establish goals of awarding not
7 less than 20% of the annual dollar value of all contracts,
8 purchase orders, or other agreements to minority owned
9 businesses and 5% of the annual dollar value of all contracts
10 to female owned businesses.

11 (b) Each owners licensee, electronic gaming licensee,
12 casino operator licensee, and suppliers licensee shall
13 establish and maintain a diversity program designed to promote
14 equal opportunity for employment. The program shall establish
15 hiring goals as the Board and each licensee determines
16 appropriate. The Board shall monitor the progress of the gaming
17 licensee's progress with respect to the program's goals.

18 (c) No later than May 31 of each year, each licensee shall
19 report to the Board the number of respective employees and the
20 number of their respective employees who have designated
21 themselves as members of a minority group and gender. In
22 addition, all licensees shall submit a report with respect to
23 the minority owned and female owned businesses program created
24 in this Section to the Board.

1 Sec. 7.10. Annual report on diversity.

2 (a) Each licensee that receives a license under Sections 7,
3 7.1, and 7.6 shall execute and file a report with the Board no
4 later than December 31 of each year that shall contain, but not
5 be limited to, the following information:

6 (i) a good faith affirmative action plan to recruit,
7 train, and upgrade minority persons, females, and persons
8 with a disability in all employment classifications;

9 (ii) the total dollar amount of contracts that were
10 awarded to businesses owned by minority persons, females,
11 and persons with a disability;

12 (iii) the total number of businesses owned by minority
13 persons, females, and persons with a disability that were
14 utilized by the licensee;

15 (iv) the utilization of businesses owned by minority
16 persons, females, and persons with disabilities during the
17 preceding year; and

18 (v) the outreach efforts used by the licensee to
19 attract investors and businesses consisting of minority
20 persons, females, and persons with a disability.

21 (b) The Board shall forward a copy of each licensee's
22 annual reports to the General Assembly no later than February 1
23 of each year.

24 (230 ILCS 10/7.11 new)

25 Sec. 7.11. Issuance of new owners licenses.

1 (a) Owners licenses newly authorized pursuant to this
2 amendatory Act of the 97th General Assembly may be issued by
3 the Board to a qualified applicant pursuant to an open and
4 competitive bidding process, as set forth in Section 7.5, and
5 subject to the maximum number of authorized licenses set forth
6 in subsection (e-5) of Section 7 of this Act.

7 (b) To be a qualified applicant, a person, firm, or
8 corporation may not be ineligible to receive an owners license
9 under subsection (a) of Section 7 of this Act and must submit
10 an application for an owners license that complies with Section
11 6 of this Act.

12 (c) In determining whether to grant an owners license to an
13 applicant, the Board shall consider all of the factors set
14 forth in subsections (b) and (e-5) of Section 7 of this Act, as
15 well as the amount of the applicant's license bid. The Board
16 may grant the owners license to an applicant that has not
17 submitted the highest license bid, but if it does not select
18 the highest bidder, the Board shall issue a written decision
19 explaining why another applicant was selected and identifying
20 the factors set forth in subsections (b) and (e-5) of Section 7
21 of this Act that favored the winning bidder.

22 (230 ILCS 10/7.12 new)

23 Sec. 7.12. Environmental standards. All casinos,
24 riverboats, and electronic gaming facilities shall consist of
25 buildings that are certified as meeting the U.S. Green Building

1 Council's Leadership in Energy and Environmental Design
2 standards. The provisions of this Section apply to a holder of
3 an owners license, casino operator license, or electronic
4 gaming license that (i) begins operations on or after January
5 1, 2012 or (ii) relocates its facilities on or after the
6 effective date of this amendatory Act of the 97th General
7 Assembly.

8 (230 ILCS 10/8) (from Ch. 120, par. 2408)

9 Sec. 8. Suppliers licenses.

10 (a) The Board may issue a suppliers license to such
11 persons, firms or corporations which apply therefor upon the
12 payment of a non-refundable application fee set by the Board,
13 upon a determination by the Board that the applicant is
14 eligible for a suppliers license and upon payment of a \$5,000
15 annual license fee.

16 (b) The holder of a suppliers license is authorized to sell
17 or lease, and to contract to sell or lease, gambling equipment
18 and supplies to any licensee involved in the ownership or
19 management of gambling operations.

20 (c) Gambling supplies and equipment may not be distributed
21 unless supplies and equipment conform to standards adopted by
22 rules of the Board.

23 (d) A person, firm or corporation is ineligible to receive
24 a suppliers license if:

25 (1) the person has been convicted of a felony under the

1 laws of this State, any other state, or the United States;

2 (2) the person has been convicted of any violation of
3 Article 28 of the Criminal Code of 1961, or substantially
4 similar laws of any other jurisdiction;

5 (3) the person has submitted an application for a
6 license under this Act which contains false information;

7 (4) the person is a member of the Board;

8 (5) the firm or corporation is one in which a person
9 defined in (1), (2), (3) or (4), is an officer, director or
10 managerial employee;

11 (6) the firm or corporation employs a person who
12 participates in the management or operation of riverboat
13 gambling authorized under this Act;

14 (7) the license of the person, firm or corporation
15 issued under this Act, or a license to own or operate
16 gambling facilities in any other jurisdiction, has been
17 revoked.

18 (e) Any person that supplies any equipment, devices, or
19 supplies to a licensed riverboat gambling operation or casino
20 must first obtain a suppliers license. A supplier shall furnish
21 to the Board a list of all equipment, devices and supplies
22 offered for sale or lease in connection with gambling games
23 authorized under this Act. A supplier shall keep books and
24 records for the furnishing of equipment, devices and supplies
25 to gambling operations separate and distinct from any other
26 business that the supplier might operate. A supplier shall file

1 a quarterly return with the Board listing all sales and leases.
2 A supplier shall permanently affix its name to all its
3 equipment, devices, and supplies for gambling operations. Any
4 supplier's equipment, devices or supplies which are used by any
5 person in an unauthorized gambling operation shall be forfeited
6 to the State. A holder of an owners license ~~A licensed owner~~
7 may own its own equipment, devices and supplies. Each holder of
8 an owners license under the Act shall file an annual report
9 listing its inventories of gambling equipment, devices and
10 supplies.

11 (f) Any person who knowingly makes a false statement on an
12 application is guilty of a Class A misdemeanor.

13 (g) Any gambling equipment, devices and supplies provided
14 by any licensed supplier may either be repaired on the
15 riverboat or in the casino or removed from the riverboat or
16 casino to a ~~an on shore~~ facility owned by the holder of an
17 owners license for repair.

18 (Source: P.A. 86-1029; 87-826.)

19 (230 ILCS 10/9) (from Ch. 120, par. 2409)

20 Sec. 9. Occupational licenses.

21 (a) The Board may issue an occupational license to an
22 applicant upon the payment of a non-refundable fee set by the
23 Board, upon a determination by the Board that the applicant is
24 eligible for an occupational license and upon payment of an
25 annual license fee in an amount to be established. To be

1 eligible for an occupational license, an applicant must:

2 (1) be at least 21 years of age if the applicant will
3 perform any function involved in gaming by patrons. Any
4 applicant seeking an occupational license for a non-gaming
5 function shall be at least 18 years of age;

6 (2) not have been convicted of a felony offense, a
7 violation of Article 28 of the Criminal Code of 1961, or a
8 similar statute of any other jurisdiction;

9 (2.5) not have been convicted of a crime, other than a
10 crime described in item (2) of this subsection (a),
11 involving dishonesty or moral turpitude, except that the
12 Board may, in its discretion, issue an occupational license
13 to a person who has been convicted of a crime described in
14 this item (2.5) more than 10 years prior to his or her
15 application and has not subsequently been convicted of any
16 other crime;

17 (3) have demonstrated a level of skill or knowledge
18 which the Board determines to be necessary in order to
19 operate gambling aboard a riverboat or in a casino; and

20 (4) have met standards for the holding of an
21 occupational license as adopted by rules of the Board. Such
22 rules shall provide that any person or entity seeking an
23 occupational license to manage gambling operations
24 hereunder shall be subject to background inquiries and
25 further requirements similar to those required of
26 applicants for an owners license. Furthermore, such rules

1 shall provide that each such entity shall be permitted to
2 manage gambling operations for only one licensed owner.

3 (b) Each application for an occupational license shall be
4 on forms prescribed by the Board and shall contain all
5 information required by the Board. The applicant shall set
6 forth in the application: whether he has been issued prior
7 gambling related licenses; whether he has been licensed in any
8 other state under any other name, and, if so, such name and his
9 age; and whether or not a permit or license issued to him in
10 any other state has been suspended, restricted or revoked, and,
11 if so, for what period of time.

12 (c) Each applicant shall submit with his application, on
13 forms provided by the Board, 2 sets of his fingerprints. The
14 Board shall charge each applicant a fee set by the Department
15 of State Police to defray the costs associated with the search
16 and classification of fingerprints obtained by the Board with
17 respect to the applicant's application. These fees shall be
18 paid into the State Police Services Fund.

19 (d) The Board may in its discretion refuse an occupational
20 license to any person: (1) who is unqualified to perform the
21 duties required of such applicant; (2) who fails to disclose or
22 states falsely any information called for in the application;
23 (3) who has been found guilty of a violation of this Act or
24 whose prior gambling related license or application therefor
25 has been suspended, restricted, revoked or denied for just
26 cause in any other state; or (4) for any other just cause.

1 (e) The Board may suspend, revoke or restrict any
2 occupational licensee: (1) for violation of any provision of
3 this Act; (2) for violation of any of the rules and regulations
4 of the Board; (3) for any cause which, if known to the Board,
5 would have disqualified the applicant from receiving such
6 license; or (4) for default in the payment of any obligation or
7 debt due to the State of Illinois; or (5) for any other just
8 cause.

9 (f) A person who knowingly makes a false statement on an
10 application is guilty of a Class A misdemeanor.

11 (g) Any license issued pursuant to this Section shall be
12 valid for a period of one year from the date of issuance.

13 (h) Nothing in this Act shall be interpreted to prohibit a
14 licensed owner from entering into an agreement with a public
15 community college or a school approved under the Private
16 Business and Vocational Schools Act for the training of any
17 occupational licensee. Any training offered by such a school
18 shall be in accordance with a written agreement between the
19 licensed owner and the school.

20 (i) Any training provided for occupational licensees may be
21 conducted either at the site of the gambling facility on the
22 riverboat or at a school with which a licensed owner has
23 entered into an agreement pursuant to subsection (h).

24 (Source: P.A. 96-1392, eff. 1-1-11.)

1 Sec. 11. Conduct of gambling. Gambling may be conducted by
2 licensed owners or licensed managers on behalf of the State
3 aboard riverboats. Gambling authorized under this Section is
4 subject to the following standards:

5 (1) A licensee may conduct riverboat gambling
6 authorized under this Act regardless of whether it conducts
7 excursion cruises. A licensee may permit the continuous
8 ingress and egress of patrons ~~passengers~~ on a riverboat not
9 used for excursion cruises for the purpose of gambling.
10 Excursion cruises shall not exceed 4 hours for a round
11 trip. However, the Board may grant express approval for an
12 extended cruise on a case-by-case basis.

13 (2) (Blank).

14 (3) Minimum and maximum wagers on games shall be set by
15 the licensee.

16 (4) Agents of the Board and the Department of State
17 Police may board and inspect any riverboat or enter and
18 inspect any portion of a casino at any time for the purpose
19 of determining whether this Act is being complied with.
20 Every riverboat, if under way and being hailed by a law
21 enforcement officer or agent of the Board, must stop
22 immediately and lay to.

23 (5) Employees of the Board shall have the right to be
24 present on the riverboat or in the casino or on adjacent
25 facilities under the control of the licensee.

26 (6) Gambling equipment and supplies customarily used

1 in conducting riverboat or casino gambling must be
2 purchased or leased only from suppliers licensed for such
3 purpose under this Act. The Board may approve the transfer,
4 sale, or lease of gambling equipment and supplies by a
5 licensed owner from or to an affiliate of the licensed
6 owner as long as the gambling equipment and supplies were
7 initially acquired from a supplier licensed in Illinois.

8 (7) Persons licensed under this Act shall permit no
9 form of wagering on gambling games except as permitted by
10 this Act.

11 (8) Wagers may be received only from a person present
12 on a licensed riverboat or in a casino. No person present
13 on a licensed riverboat or in a casino shall place or
14 attempt to place a wager on behalf of another person who is
15 not present on the riverboat or in a casino.

16 (9) Wagering shall not be conducted with money or other
17 negotiable currency.

18 (10) A person under age 21 shall not be permitted on an
19 area of a riverboat or casino where gambling is being
20 conducted, except for a person at least 18 years of age who
21 is an employee of the riverboat or casino gambling
22 operation. No employee under age 21 shall perform any
23 function involved in gambling by the patrons. No person
24 under age 21 shall be permitted to make a wager under this
25 Act, and any winnings that are a result of a wager by a
26 person under age 21, whether or not paid by a licensee,

1 shall be treated as winnings for the privilege tax
2 purposes, confiscated, and forfeited to the State and
3 deposited into the Education Assistance Fund.

4 (11) Gambling excursion cruises are permitted only
5 when the waterway for which the riverboat is licensed is
6 navigable, as determined by the Board in consultation with
7 the U.S. Army Corps of Engineers. This paragraph (11) does
8 not limit the ability of a licensee to conduct gambling
9 authorized under this Act when gambling excursion cruises
10 are not permitted.

11 (12) All tokens, chips or electronic cards used to make
12 wagers must be purchased (i) from a licensed owner or
13 manager, in the case of a riverboat, either aboard a
14 riverboat or at an onshore facility which has been approved
15 by the Board and which is located where the riverboat docks
16 or (ii) in the case of a casino, from a licensed owner at
17 the casino. The tokens, chips or electronic cards may be
18 purchased by means of an agreement under which the owner or
19 manager extends credit to the patron. Such tokens, chips or
20 electronic cards may be used while aboard the riverboat or
21 in the casino only for the purpose of making wagers on
22 gambling games.

23 (13) Notwithstanding any other Section of this Act, in
24 addition to the other licenses authorized under this Act,
25 the Board may issue special event licenses allowing persons
26 who are not otherwise licensed to conduct riverboat

1 gambling to conduct such gambling on a specified date or
2 series of dates. Riverboat gambling under such a license
3 may take place on a riverboat not normally used for
4 riverboat gambling. The Board shall establish standards,
5 fees and fines for, and limitations upon, such licenses,
6 which may differ from the standards, fees, fines and
7 limitations otherwise applicable under this Act. All such
8 fees shall be deposited into the State Gaming Fund. All
9 such fines shall be deposited into the Education Assistance
10 Fund, created by Public Act 86-0018, of the State of
11 Illinois.

12 (14) In addition to the above, gambling must be
13 conducted in accordance with all rules adopted by the
14 Board.

15 (Source: P.A. 96-1392, eff. 1-1-11.)

16 (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

17 Sec. 11.1. Collection of amounts owing under credit
18 agreements. Notwithstanding any applicable statutory provision
19 to the contrary, a licensed owner or manager who extends credit
20 to a ~~riverboat~~ gambling patron pursuant to Section 11 (a) (12)
21 of this Act is expressly authorized to institute a cause of
22 action to collect any amounts due and owing under the extension
23 of credit, as well as the owner's or manager's costs, expenses
24 and reasonable attorney's fees incurred in collection.

25 (Source: P.A. 93-28, eff. 6-20-03.)

1 (230 ILCS 10/12) (from Ch. 120, par. 2412)

2 Sec. 12. Admission tax; fees.

3 (a) A tax is hereby imposed upon admissions to riverboat
4 and casino gambling facilities ~~riverboats~~ operated by licensed
5 owners authorized pursuant to this Act. Until July 1, 2002, the
6 rate is \$2 per person admitted. From July 1, 2002 until July 1,
7 2003, the rate is \$3 per person admitted. From July 1, 2003
8 until August 23, 2005 (the effective date of Public Act
9 94-673), for a licensee that admitted 1,000,000 persons or
10 fewer in the previous calendar year, the rate is \$3 per person
11 admitted; for a licensee that admitted more than 1,000,000 but
12 no more than 2,300,000 persons in the previous calendar year,
13 the rate is \$4 per person admitted; and for a licensee that
14 admitted more than 2,300,000 persons in the previous calendar
15 year, the rate is \$5 per person admitted. Beginning on August
16 23, 2005 (the effective date of Public Act 94-673), for a
17 licensee that admitted 1,000,000 persons or fewer in calendar
18 year 2004, the rate is \$2 per person admitted, and for all
19 other licensees, including licensees that were not conducting
20 gambling operations in 2004, the rate is \$3 per person
21 admitted. This admission tax is imposed upon the licensed owner
22 conducting gambling.

23 (1) The admission tax shall be paid for each admission,
24 except that a person who exits a riverboat gambling
25 facility and reenters that riverboat gambling facility

1 within the same gaming day shall be subject only to the
2 initial admission tax.

3 (2) (Blank).

4 (3) The riverboat licensee may issue tax-free passes to
5 actual and necessary officials and employees of the
6 licensee or other persons actually working on the
7 riverboat.

8 (4) The number and issuance of tax-free passes is
9 subject to the rules of the Board, and a list of all
10 persons to whom the tax-free passes are issued shall be
11 filed with the Board.

12 (a-5) A fee is hereby imposed upon admissions operated by
13 licensed managers on behalf of the State pursuant to Section
14 7.3 at the rates provided in this subsection (a-5). For a
15 licensee that admitted 1,000,000 persons or fewer in the
16 previous calendar year, the rate is \$3 per person admitted; for
17 a licensee that admitted more than 1,000,000 but no more than
18 2,300,000 persons in the previous calendar year, the rate is \$4
19 per person admitted; and for a licensee that admitted more than
20 2,300,000 persons in the previous calendar year, the rate is \$5
21 per person admitted.

22 (1) The admission fee shall be paid for each admission.

23 (2) (Blank).

24 (3) The licensed manager may issue fee-free passes to
25 actual and necessary officials and employees of the manager
26 or other persons actually working on the riverboat.

1 (4) The number and issuance of fee-free passes is
2 subject to the rules of the Board, and a list of all
3 persons to whom the fee-free passes are issued shall be
4 filed with the Board.

5 (b) From the tax imposed under subsection (a) and the fee
6 imposed under subsection (a-5), a municipality shall receive
7 from the State \$1 for each person embarking on a riverboat
8 docked within the municipality or entering a casino located
9 within the municipality, and a county shall receive \$1 for each
10 person entering a casino or embarking on a riverboat docked
11 within the county but outside the boundaries of any
12 municipality. The municipality's or county's share shall be
13 collected by the Board on behalf of the State and remitted
14 quarterly by the State, subject to appropriation, to the
15 treasurer of the unit of local government for deposit in the
16 general fund.

17 (c) The licensed owner shall pay the entire admission tax
18 to the Board and the licensed manager or the casino operator
19 licensee shall pay the entire admission fee to the Board. Such
20 payments shall be made daily. Accompanying each payment shall
21 be a return on forms provided by the Board which shall include
22 other information regarding admissions as the Board may
23 require. Failure to submit either the payment or the return
24 within the specified time may result in suspension or
25 revocation of the owners or managers license.

26 (d) The Board shall administer and collect the admission

1 tax imposed by this Section, to the extent practicable, in a
2 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
3 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the
4 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
5 Penalty and Interest Act.

6 (Source: P.A. 95-663, eff. 10-11-07; 96-1392, eff. 1-1-11.)

7 (230 ILCS 10/13) (from Ch. 120, par. 2413)

8 Sec. 13. Wagering tax; rate; distribution.

9 (a) Until January 1, 1998, a tax is imposed on the adjusted
10 gross receipts received from gambling games authorized under
11 this Act at the rate of 20%.

12 (a-1) From January 1, 1998 until July 1, 2002, a privilege
13 tax is imposed on persons engaged in the business of conducting
14 riverboat gambling operations, based on the adjusted gross
15 receipts received by a licensed owner from gambling games
16 authorized under this Act at the following rates:

17 15% of annual adjusted gross receipts up to and
18 including \$25,000,000;

19 20% of annual adjusted gross receipts in excess of
20 \$25,000,000 but not exceeding \$50,000,000;

21 25% of annual adjusted gross receipts in excess of
22 \$50,000,000 but not exceeding \$75,000,000;

23 30% of annual adjusted gross receipts in excess of
24 \$75,000,000 but not exceeding \$100,000,000;

25 35% of annual adjusted gross receipts in excess of

1 \$100,000,000.

2 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax
3 is imposed on persons engaged in the business of conducting
4 riverboat gambling operations, other than licensed managers
5 conducting riverboat gambling operations on behalf of the
6 State, based on the adjusted gross receipts received by a
7 licensed owner from gambling games authorized under this Act at
8 the following rates:

9 15% of annual adjusted gross receipts up to and
10 including \$25,000,000;

11 22.5% of annual adjusted gross receipts in excess of
12 \$25,000,000 but not exceeding \$50,000,000;

13 27.5% of annual adjusted gross receipts in excess of
14 \$50,000,000 but not exceeding \$75,000,000;

15 32.5% of annual adjusted gross receipts in excess of
16 \$75,000,000 but not exceeding \$100,000,000;

17 37.5% of annual adjusted gross receipts in excess of
18 \$100,000,000 but not exceeding \$150,000,000;

19 45% of annual adjusted gross receipts in excess of
20 \$150,000,000 but not exceeding \$200,000,000;

21 50% of annual adjusted gross receipts in excess of
22 \$200,000,000.

23 (a-3) Beginning July 1, 2003, a privilege tax is imposed on
24 persons engaged in the business of conducting riverboat
25 gambling operations, other than licensed managers conducting
26 riverboat gambling operations on behalf of the State, based on

1 the adjusted gross receipts received by a licensed owner from
2 gambling games authorized under this Act at the following
3 rates:

4 15% of annual adjusted gross receipts up to and
5 including \$25,000,000;

6 27.5% of annual adjusted gross receipts in excess of
7 \$25,000,000 but not exceeding \$37,500,000;

8 32.5% of annual adjusted gross receipts in excess of
9 \$37,500,000 but not exceeding \$50,000,000;

10 37.5% of annual adjusted gross receipts in excess of
11 \$50,000,000 but not exceeding \$75,000,000;

12 45% of annual adjusted gross receipts in excess of
13 \$75,000,000 but not exceeding \$100,000,000;

14 50% of annual adjusted gross receipts in excess of
15 \$100,000,000 but not exceeding \$250,000,000;

16 70% of annual adjusted gross receipts in excess of
17 \$250,000,000.

18 An amount equal to the amount of wagering taxes collected
19 under this subsection (a-3) that are in addition to the amount
20 of wagering taxes that would have been collected if the
21 wagering tax rates under subsection (a-2) were in effect shall
22 be paid into the Common School Fund.

23 The privilege tax imposed under this subsection (a-3) shall
24 no longer be imposed beginning on the earlier of (i) July 1,
25 2005; (ii) the first date after June 20, 2003 that riverboat
26 gambling operations are conducted pursuant to a dormant

1 license; or (iii) the first day that riverboat gambling
2 operations are conducted under the authority of an owners
3 license that is in addition to the 10 owners licenses initially
4 authorized under this Act. For the purposes of this subsection
5 (a-3), the term "dormant license" means an owners license that
6 is authorized by this Act under which no riverboat gambling
7 operations are being conducted on June 20, 2003.

8 (a-4) Beginning on the first day on which the tax imposed
9 under subsection (a-3) is no longer imposed and ending on
10 December 31, 2014, a privilege tax is imposed on persons
11 engaged in the business of conducting riverboat or casino
12 gambling or electronic gaming operations, other than licensed
13 managers conducting riverboat gambling operations on behalf of
14 the State, based on the adjusted gross receipts received by a
15 licensed owner from gambling games authorized under this Act at
16 the following rates:

17 15% of annual adjusted gross receipts up to and
18 including \$25,000,000;

19 22.5% of annual adjusted gross receipts in excess of
20 \$25,000,000 but not exceeding \$50,000,000;

21 27.5% of annual adjusted gross receipts in excess of
22 \$50,000,000 but not exceeding \$75,000,000;

23 32.5% of annual adjusted gross receipts in excess of
24 \$75,000,000 but not exceeding \$100,000,000;

25 37.5% of annual adjusted gross receipts in excess of
26 \$100,000,000 but not exceeding \$150,000,000;

1 45% of annual adjusted gross receipts in excess of
2 \$150,000,000 but not exceeding \$200,000,000;

3 50% of annual adjusted gross receipts in excess of
4 \$200,000,000.

5 (a-5) Beginning on January 1, 2015, a privilege tax is
6 imposed on persons engaged in the business of conducting
7 riverboat or casino gambling or electronic gaming operations,
8 other than licensed managers conducting riverboat gambling
9 operations on behalf of the State, based on the adjusted gross
10 receipts received by such licensee from the gambling games
11 authorized under this Act. The privilege tax for all gambling
12 games other than table games, including, but not limited to,
13 slot machines, video game of chance gambling, and electronic
14 gambling games shall be at the following rates:

15 12.5% of annual adjusted gross receipts up to and
16 including \$25,000,000;

17 20% of annual adjusted gross receipts in excess of
18 \$25,000,000 but not exceeding \$50,000,000;

19 25% of annual adjusted gross receipts in excess of
20 \$50,000,000 but not exceeding \$75,000,000;

21 30% of annual adjusted gross receipts in excess of
22 \$75,000,000 but not exceeding \$100,000,000;

23 35% of annual adjusted gross receipts in excess of
24 \$100,000,000 but not exceeding \$150,000,000;

25 37.5% of annual adjusted gross receipts in excess of
26 \$150,000,000 but not exceeding \$200,000,000;

1 40% of annual adjusted gross receipts in excess of
2 \$200,000,000;

3 The privilege tax for table games shall be at the following
4 rates:

5 10% of annual adjusted gross receipts up to and
6 including \$25,000,000;

7 17.5% of annual adjusted gross receipts in excess of
8 \$25,000,000 but not exceeding \$50,000,000;

9 22.5% of annual adjusted gross receipts in excess of
10 \$50,000,000.

11 For the imposition of the privilege tax in this subsection
12 (a-5), amounts paid pursuant to item (1) of subsection (b) of
13 Section 56 of the Illinois Horse Racing Act of 1975 shall not
14 be included in the determination of adjusted gross receipts.

15 (a-6) From the effective date of this amendatory Act of the
16 97th General Assembly until June 30, 2015, an owners licensee
17 that conducted gambling operations prior to January 1, 2011
18 shall receive a dollar-for-dollar credit against the tax
19 imposed under this Section for any renovation or construction
20 costs paid by the owners licensee, but in no event shall the
21 credit exceed \$2,000,000.

22 Additionally, from the effective date of this amendatory
23 Act of the 97th General Assembly until December 31, 2014, an
24 owners licensee that (i) is located within 15 miles of the
25 Missouri border, and (ii) has at least 3 riverboats, casinos,
26 or their equivalent within a 45-mile radius, may be authorized

1 to relocate to a new location with the approval of both the
2 unit of local government designated as the home dock and the
3 Board, so long as the new location is within the same unit of
4 local government and no more than 3 miles away from its
5 original location. Such owners licensee shall receive a credit
6 against the tax imposed under this Section equal to 8% of the
7 total project costs, as approved by the Board, for any
8 renovation or construction costs paid by the owners licensee
9 for the construction of the new facility, provided that the new
10 facility is operational by July 1, 2014. In determining whether
11 or not to approve a relocation, the Board must consider the
12 extent to which the relocation will diminish the gaming
13 revenues received by other Illinois gaming facilities.

14 (a-8) Riverboat gambling operations conducted by a
15 licensed manager on behalf of the State are not subject to the
16 tax imposed under this Section.

17 (a-9) Beginning on January 1, 2012, the calculation of
18 "gross receipts" or "adjusted gross receipts" for a riverboat
19 or casino shall not include the dollar amount of non-cashable
20 vouchers, coupons, and electronic promotions redeemed by
21 wagerers upon the riverboat or in the casino.

22 The Illinois Gaming Board shall submit to the General
23 Assembly a comprehensive report no later than March 31, 2015
24 detailing, at a minimum, the effect of removing non-cashable
25 vouchers, coupons, and electronic promotions from this
26 calculation on net gaming revenues to the State in calendar

1 years 2012 through 2014, the increase or reduction in wagers
2 as a result of removing non-cashable vouchers, coupons, and
3 electronic promotions from this calculation, the effect of the
4 tax rates in subsection (a-5) on net gaming revenues to the
5 State, and proposed modifications to the calculation.

6 (a-10) The taxes imposed by this Section shall be paid by
7 the licensed owner to the Board not later than 5:00 o'clock
8 p.m. of the day after the day when the wagers were made.

9 (a-15) If the privilege tax imposed under subsection (a-3)
10 is no longer imposed pursuant to item (i) of the last paragraph
11 of subsection (a-3), then by June 15 of each year, each owners
12 licensee, other than an owners licensee that admitted 1,000,000
13 persons or fewer in calendar year 2004, must, in addition to
14 the payment of all amounts otherwise due under this Section,
15 pay to the Board a reconciliation payment in the amount, if
16 any, by which the licensed owner's base amount exceeds the
17 amount of net privilege tax paid by the licensed owner to the
18 Board in the then current State fiscal year. A licensed owner's
19 net privilege tax obligation due for the balance of the State
20 fiscal year shall be reduced up to the total of the amount paid
21 by the licensed owner in its June 15 reconciliation payment.
22 The obligation imposed by this subsection (a-15) is binding on
23 any person, firm, corporation, or other entity that acquires an
24 ownership interest in any such owners license. The obligation
25 imposed under this subsection (a-15) terminates on the earliest
26 of: (i) July 1, 2007, (ii) the first day after the effective

1 date of this amendatory Act of the 94th General Assembly that
2 riverboat gambling operations are conducted pursuant to a
3 dormant license, (iii) the first day that riverboat gambling
4 operations are conducted under the authority of an owners
5 license that is in addition to the 10 owners licenses initially
6 authorized under this Act, or (iv) the first day that a
7 licensee under the Illinois Horse Racing Act of 1975 conducts
8 gaming operations with slot machines or other electronic gaming
9 devices. The Board must reduce the obligation imposed under
10 this subsection (a-15) by an amount the Board deems reasonable
11 for any of the following reasons: (A) an act or acts of God,
12 (B) an act of bioterrorism or terrorism or a bioterrorism or
13 terrorism threat that was investigated by a law enforcement
14 agency, or (C) a condition beyond the control of the owners
15 licensee that does not result from any act or omission by the
16 owners licensee or any of its agents and that poses a hazardous
17 threat to the health and safety of patrons. If an owners
18 licensee pays an amount in excess of its liability under this
19 Section, the Board shall apply the overpayment to future
20 payments required under this Section.

21 For purposes of this subsection (a-15):

22 "Act of God" means an incident caused by the operation of
23 an extraordinary force that cannot be foreseen, that cannot be
24 avoided by the exercise of due care, and for which no person
25 can be held liable.

26 "Base amount" means the following:

- 1 For a riverboat in Alton, \$31,000,000.
2 For a riverboat in East Peoria, \$43,000,000.
3 For the Empress riverboat in Joliet, \$86,000,000.
4 For a riverboat in Metropolis, \$45,000,000.
5 For the Harrah's riverboat in Joliet, \$114,000,000.
6 For a riverboat in Aurora, \$86,000,000.
7 For a riverboat in East St. Louis, \$48,500,000.
8 For a riverboat in Elgin, \$198,000,000.

9 "Dormant license" has the meaning ascribed to it in
10 subsection (a-3).

11 "Net privilege tax" means all privilege taxes paid by a
12 licensed owner to the Board under this Section, less all
13 payments made from the State Gaming Fund pursuant to subsection
14 (b) of this Section.

15 The changes made to this subsection (a-15) by Public Act
16 94-839 are intended to restate and clarify the intent of Public
17 Act 94-673 with respect to the amount of the payments required
18 to be made under this subsection by an owners licensee to the
19 Board.

20 (b) Until January 1, 1998, 25% of the tax revenue deposited
21 in the State Gaming Fund under this Section shall be paid,
22 subject to appropriation by the General Assembly, to the unit
23 of local government which is designated as the home dock of the
24 riverboat. Beginning January 1, 1998, from the tax revenue from
25 riverboat or casino gambling deposited in the State Gaming Fund
26 under this Section, an amount equal to 5% of adjusted gross

1 receipts generated by a riverboat or a casino shall be paid
2 monthly, subject to appropriation by the General Assembly, to
3 the unit of local government that is designated as the home
4 dock of the riverboat. From the tax revenue deposited in the
5 State Gaming Fund pursuant to riverboat or casino gambling
6 operations conducted by a licensed manager on behalf of the
7 State, an amount equal to 5% of adjusted gross receipts
8 generated pursuant to those riverboat or casino gambling
9 operations shall be paid monthly, subject to appropriation by
10 the General Assembly, to the unit of local government that is
11 designated as the home dock of the riverboat upon which those
12 riverboat gambling operations are conducted or in which the
13 casino is located. Units of local government may refund any
14 portion of the payment that they receive pursuant to this
15 subsection (b) to the riverboat or casino.

16 (b-7) The State and County Fair Assistance Fund is created
17 as a special fund in the State treasury. The Fund shall be
18 administered by the Department of Agriculture. Beginning on the
19 effective date of this amendatory Act of the 97th General
20 Assembly, from the tax revenue deposited in the State Gaming
21 Fund under this Section, an amount equal to 2% of adjusted
22 gross receipts, not to exceed \$5,000,000, shall be paid into
23 the State and County Fair Assistance Fund annually. No moneys
24 shall be expended from the State and County Fair Assistance
25 Fund except as appropriated by the General Assembly. Deposits
26 made pursuant to this subsection (b-7) shall supplement, and

1 not supplant, other State funding for these purposes.

2 The Department of Agriculture shall award grants from
3 moneys appropriated from the State and County Fair Assistance
4 Fund for the development, expansion, or support of county fairs
5 that showcase Illinois agriculture products or byproducts. No
6 grant may exceed \$100,000. Not more than one grant under this
7 Section may be made to any one county fair board. Additionally,
8 grants under this subsection (b-7) shall be available to the
9 Illinois State Fair and the DuQuoin State Fair.

10 (b-8) Beginning on the effective date of this amendatory
11 Act of the 97th General Assembly, from the tax revenue
12 deposited in the State Gaming Fund under this Section, \$250,000
13 shall be deposited annually into the Illinois Racing Quarter
14 Horse Breeders Fund.

15 (b-10) Beginning on the effective date of this amendatory
16 Act of the 97th General Assembly, from the tax revenue
17 deposited in the State Gaming Fund under this Section, an
18 amount equal to 10% of the wagering taxes paid by the
19 riverboats and casino created pursuant to subsection (e-5) of
20 Section 7 shall be paid into the Depressed Communities Economic
21 Development Fund annually.

22 (b-11) An impact fee for horse racing shall be assessed on
23 all riverboats at the end of each calendar year. The amount of
24 the impact fee for calendar year 2011 shall be \$330,000,000,
25 split evenly among the riverboats. The impact fee shall be
26 automatically increased each subsequent calendar year by a

1 percentage equal to the percentage change in the consumer price
2 index-u during the preceding 12-month calendar year. "Consumer
3 price index-u" means the index published by the Bureau of Labor
4 Statistics of the United States Department of Labor that
5 measures the average change in prices of goods and services
6 purchased by all urban consumers, United States city average,
7 all items, 1982-84=100. This impact fee shall be collected by
8 the Board and shall be deposited into the Horse Racing Impact
9 Fee Fund.

10 (b-12) An impact fee for education shall be assessed on all
11 riverboats at the end of each calendar year. The amount of the
12 impact fee for calendar year 2011 shall be \$70,000,000, split
13 evenly among the riverboats. The impact fee shall be
14 automatically increased by a percentage equal to the percentage
15 change in the consumer price index-u during the preceding 12
16 month calendar year. "Consumer price index-u" means the index
17 published by the Bureau of Labor Statistics of the United
18 States Department of Labor that measures the average change in
19 prices of goods and services purchased by all urban consumers,
20 United States city average, all items, 1982-84=100. This impact
21 fee shall be collected by the Board and shall be deposited into
22 the Education Assistance Fund.

23 (c) Appropriations, as approved by the General Assembly,
24 may be made from the State Gaming Fund to the Board (i) for the
25 administration and enforcement of this Act and the Video Gaming
26 Act, (ii) for distribution to the Department of State Police

1 and to the Department of Revenue for the enforcement of this
2 Act, and (iii) to the Department of Human Services for the
3 administration of programs to treat problem gambling. From the
4 tax revenue deposited in the State Gaming Fund under this
5 Section, \$10,000,000 shall be paid annually to the Department
6 of Human Services for the administration of programs to treat
7 problem gambling. The Board's annual appropriations request
8 must separately state its funding needs for the regulation of
9 electronic gaming, riverboat gaming, casino gaming within the
10 City of Chicago, and video gaming. From the tax revenue
11 deposited in the Gaming Facilities Fee Revenue Fund, the first
12 \$50,000,000 shall be paid to the Board for the administration
13 and enforcement of the provisions of this amendatory Act of the
14 97th General Assembly.

15 (c-3) Appropriations, as approved by the General Assembly,
16 may be made from the tax revenue deposited into the State
17 Gaming Fund from electronic gaming pursuant to this Section for
18 the administration and enforcement of this Act.

19 (c-4) After payments required under subsection (b-5),
20 (b-6), (b-7), (b-8), (b-10), (b-11), (b-12), (c), and (c-3)
21 have been made from the tax revenue from electronic gaming
22 deposited into the State Gaming Fund under this Section, all
23 remaining amounts from electronic gaming shall be deposited
24 into the Capital Projects Fund.

25 (c-5) (Blank). Before May 26, 2006 (the effective date of
26 Public Act 94-804) and beginning on the effective date of this

1 ~~amendatory Act of the 95th General Assembly, unless any~~
2 ~~organization licensee under the Illinois Horse Racing Act of~~
3 ~~1975 begins to operate a slot machine or video game of chance~~
4 ~~under the Illinois Horse Racing Act of 1975 or this Act, after~~
5 ~~the payments required under subsections (b) and (c) have been~~
6 ~~made, an amount equal to 15% of the adjusted gross receipts of~~
7 ~~(1) an owners licensee that relocates pursuant to Section 11.2,~~
8 ~~(2) an owners licensee conducting riverboat gambling~~
9 ~~operations pursuant to an owners license that is initially~~
10 ~~issued after June 25, 1999, or (3) the first riverboat gambling~~
11 ~~operations conducted by a licensed manager on behalf of the~~
12 ~~State under Section 7.3, whichever comes first, shall be paid~~
13 ~~from the State Gaming Fund into the Horse Racing Equity Fund.~~

14 (c-10) (Blank). ~~Each year the General Assembly shall~~
15 ~~appropriate from the General Revenue Fund to the Education~~
16 ~~Assistance Fund an amount equal to the amount paid into the~~
17 ~~Horse Racing Equity Fund pursuant to subsection (c-5) in the~~
18 ~~prior calendar year.~~

19 (c-15) After the payments required under subsections (b),
20 (b-7), (b-8), (b-10), (b-11), (b-12), and (c), ~~and (c-5)~~ have
21 been made, an amount equal to 2% of the adjusted gross receipts
22 of (1) an owners licensee that relocates pursuant to Section
23 11.2, (2) an owners licensee conducting riverboat gambling
24 operations pursuant to an owners license that is initially
25 issued after June 25, 1999 and before December 31, 2011, or (3)
26 the first riverboat gambling operations conducted by a licensed

1 manager on behalf of the State under Section 7.3, whichever
2 comes first, shall be paid, subject to appropriation from the
3 General Assembly, from the State Gaming Fund to each home rule
4 county with a population of over 3,000,000 inhabitants for the
5 purpose of enhancing the county's criminal justice system.

6 (c-20) Each year the General Assembly shall appropriate
7 from the General Revenue Fund to the Education Assistance Fund
8 an amount equal to the amount paid to each home rule county
9 with a population of over 3,000,000 inhabitants pursuant to
10 subsection (c-15) in the prior calendar year.

11 (c-25) After the payments required under subsections (b),
12 (b-7), (b-8), (b-10), (b-11), (b-12), (c), ~~(e-5)~~ and (c-15)
13 have been made, an amount equal to 2% of the adjusted gross
14 receipts of (1) an owners licensee that relocates pursuant to
15 Section 11.2, (2) an owners licensee conducting riverboat
16 gambling operations pursuant to an owners license that is
17 initially issued after June 25, 1999 and before December 31,
18 2011, or (3) the first riverboat gambling operations conducted
19 by a licensed manager on behalf of the State under Section 7.3,
20 whichever comes first, shall be paid from the State Gaming Fund
21 to Chicago State University.

22 (d) From time to time, the Board shall transfer the
23 remainder of the funds generated by this Act into the Education
24 Assistance Fund, created by Public Act 86-0018, of the State of
25 Illinois.

26 (e) Nothing in this Act shall prohibit the unit of local

1 government designated as the home dock of the riverboat from
2 entering into agreements with other units of local government
3 in this State or in other states to share its portion of the
4 tax revenue.

5 (f) To the extent practicable, the Board shall administer
6 and collect the wagering taxes imposed by this Section in a
7 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
8 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the
9 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
10 Penalty and Interest Act.

11 (Source: P.A. 95-331, eff. 8-21-07; 95-1008, eff. 12-15-08;
12 96-37, eff. 7-13-09; 96-1392, eff. 1-1-11.)

13 (230 ILCS 10/14) (from Ch. 120, par. 2414)

14 Sec. 14. Licensees - Records - Reports - Supervision.

15 (a) Licensed owners ~~A licensed owner~~ shall keep ~~his~~ books
16 and records so as to clearly show the following:

17 (1) The amount received daily from admission fees.

18 (2) The total amount of gross receipts.

19 (3) The total amount of the adjusted gross receipts.

20 (b) Licensed owners ~~The licensed owner~~ shall furnish to the
21 Board reports and information as the Board may require with
22 respect to its activities on forms designed and supplied for
23 such purpose by the Board.

24 (c) The books and records kept by a licensed owner as
25 provided by this Section are public records and the

1 examination, publication, and dissemination of the books and
2 records are governed by the provisions of The Freedom of
3 Information Act.

4 (Source: P.A. 86-1029.)

5 (230 ILCS 10/18) (from Ch. 120, par. 2418)

6 Sec. 18. Prohibited Activities - Penalty.

7 (a) A person is guilty of a Class A misdemeanor for doing
8 any of the following:

9 (1) Conducting gambling where wagering is used or to be
10 used without a license issued by the Board.

11 (2) Conducting gambling where wagering is permitted
12 other than in the manner specified by Section 11.

13 (b) A person is guilty of a Class B misdemeanor for doing
14 any of the following:

15 (1) permitting a person under 21 years to make a wager;
16 or

17 (2) violating paragraph (12) of subsection (a) of
18 Section 11 of this Act.

19 (c) A person wagering or accepting a wager at any location
20 outside the riverboat or casino in violation of paragraph ~~is~~
21 ~~subject to the penalties in paragraphs~~ (1) or (2) of subsection
22 (a) of Section 28-1 of the Criminal Code of 1961 is subject to
23 the penalties provided in that Section.

24 (d) A person commits a Class 4 felony and, in addition,
25 shall be barred for life from gambling operations ~~riverboats~~

1 under the jurisdiction of the Board, if the person does any of
2 the following:

3 (1) Offers, promises, or gives anything of value or
4 benefit to a person who is connected with a riverboat or
5 casino owner including, but not limited to, an officer or
6 employee of a licensed owner or holder of an occupational
7 license pursuant to an agreement or arrangement or with the
8 intent that the promise or thing of value or benefit will
9 influence the actions of the person to whom the offer,
10 promise, or gift was made in order to affect or attempt to
11 affect the outcome of a gambling game, or to influence
12 official action of a member of the Board.

13 (2) Solicits or knowingly accepts or receives a promise
14 of anything of value or benefit while the person is
15 connected with a riverboat or casino including, but not
16 limited to, an officer or employee of a licensed owner, or
17 the holder of an occupational license, pursuant to an
18 understanding or arrangement or with the intent that the
19 promise or thing of value or benefit will influence the
20 actions of the person to affect or attempt to affect the
21 outcome of a gambling game, or to influence official action
22 of a member of the Board.

23 (3) Uses or possesses with the intent to use a device
24 to assist:

25 (i) In projecting the outcome of the game.

26 (ii) In keeping track of the cards played.

1 (iii) In analyzing the probability of the
2 occurrence of an event relating to the gambling game.

3 (iv) In analyzing the strategy for playing or
4 betting to be used in the game except as permitted by
5 the Board.

6 (4) Cheats at a gambling game.

7 (5) Manufactures, sells, or distributes any cards,
8 chips, dice, game or device which is intended to be used to
9 violate any provision of this Act.

10 (6) Alters or misrepresents the outcome of a gambling
11 game on which wagers have been made after the outcome is
12 made sure but before it is revealed to the players.

13 (7) Places a bet after acquiring knowledge, not
14 available to all players, of the outcome of the gambling
15 game which is subject of the bet or to aid a person in
16 acquiring the knowledge for the purpose of placing a bet
17 contingent on that outcome.

18 (8) Claims, collects, or takes, or attempts to claim,
19 collect, or take, money or anything of value in or from the
20 gambling games, with intent to defraud, without having made
21 a wager contingent on winning a gambling game, or claims,
22 collects, or takes an amount of money or thing of value of
23 greater value than the amount won.

24 (9) Uses counterfeit chips or tokens in a gambling
25 game.

26 (10) Possesses any key or device designed for the

1 purpose of opening, entering, or affecting the operation of
2 a gambling game, drop box, or an electronic or mechanical
3 device connected with the gambling game or for removing
4 coins, tokens, chips or other contents of a gambling game.

5 This paragraph (10) does not apply to a gambling licensee
6 or employee of a gambling licensee acting in furtherance of
7 the employee's employment.

8 (e) The possession of more than one of the devices
9 described in subsection (d), paragraphs (3), (5), or (10)
10 permits a rebuttable presumption that the possessor intended to
11 use the devices for cheating.

12 (f) A person under the age of 21 who, except as authorized
13 under paragraph (10) of Section 11, enters upon a riverboat or
14 in a casino commits a petty offense and is subject to a fine of
15 not less than \$100 or more than \$250 for a first offense and of
16 not less than \$200 or more than \$500 for a second or subsequent
17 offense.

18 An action to prosecute any crime occurring on a riverboat
19 shall be tried in the county of the dock at which the riverboat
20 is based.

21 (Source: P.A. 96-1392, eff. 1-1-11.)

22 (230 ILCS 10/19) (from Ch. 120, par. 2419)

23 Sec. 19. Forfeiture of property. (a) Except as provided in
24 subsection (b), any riverboat or casino used for the conduct of
25 gambling games in violation of this Act shall be considered a

1 gambling place in violation of Section 28-3 of the Criminal
2 Code of 1961, as now or hereafter amended. Every gambling
3 device found on a riverboat or in a casino operating gambling
4 games in violation of this Act shall be subject to seizure,
5 confiscation and destruction as provided in Section 28-5 of the
6 Criminal Code of 1961, as now or hereafter amended.

7 (b) It is not a violation of this Act for a riverboat or
8 other watercraft which is licensed for gaming by a contiguous
9 state to dock on the shores of this State if the municipality
10 having jurisdiction of the shores, or the county in the case of
11 unincorporated areas, has granted permission for docking and no
12 gaming is conducted on the riverboat or other watercraft while
13 it is docked on the shores of this State. No gambling device
14 shall be subject to seizure, confiscation or destruction if the
15 gambling device is located on a riverboat or other watercraft
16 which is licensed for gaming by a contiguous state and which is
17 docked on the shores of this State if the municipality having
18 jurisdiction of the shores, or the county in the case of
19 unincorporated areas, has granted permission for docking and no
20 gaming is conducted on the riverboat or other watercraft while
21 it is docked on the shores of this State.

22 (Source: P.A. 86-1029.)

23 (230 ILCS 10/20) (from Ch. 120, par. 2420)

24 Sec. 20. Prohibited activities - civil penalties. Any
25 person who conducts a gambling operation without first

1 obtaining a license to do so, or who continues to conduct such
2 games after revocation of his license, or any licensee who
3 conducts or allows to be conducted any unauthorized gambling
4 games on a riverboat or in a casino where it is authorized to
5 conduct its ~~riverboat~~ gambling operation, in addition to other
6 penalties provided, shall be subject to a civil penalty equal
7 to the amount of gross receipts derived from wagering on the
8 gambling games, whether unauthorized or authorized, conducted
9 on that day as well as confiscation and forfeiture of all
10 gambling game equipment used in the conduct of unauthorized
11 gambling games.

12 (Source: P.A. 86-1029.)

13 Section 90-42. The Video Gaming Act is amended by changing
14 Sections 27 and 70 and by adding Section 90 as follows:

15 (230 ILCS 40/27)

16 Sec. 27. Opt-in participation in ~~Prohibition of~~ video
17 gaming by political subdivision. Video gaming may only be
18 conducted within the corporate limits of a municipality or in
19 unincorporated areas of a county that has chosen to opt-in to
20 video gaming. A municipality or county can opt-in to video
21 gaming by (i) passing an ordinance permitting ~~A municipality~~
22 ~~may pass an ordinance prohibiting~~ video gaming within the
23 corporate limits of the municipality or ~~. A county board may,~~
24 ~~for the unincorporated area of the county, pass an ordinance~~

1 ~~prohibiting video gaming~~ within the unincorporated area of the
 2 county, respectively, or (ii) passing a referendum in
 3 accordance with Section 70. If a referendum is passed in
 4 accordance with Section 70, a municipality or county board
 5 cannot take any action that is contrary to the referendum for a
 6 period of 5 years after the referendum vote is certified.

7 (Source: P.A. 96-34, eff. 7-13-09.)

8 (230 ILCS 40/70)

9 Sec. 70. Referendum. Upon the filing in the office of the
 10 clerk, at least 90 days before an election in any municipality
 11 or county, as the case may be, of a petition directed to such
 12 clerk, containing the signatures of not less than 25% of the
 13 legal voters of that municipality or county, the clerk shall
 14 certify such proposition to the proper election officials, who
 15 shall submit the proposition at such election to the voters of
 16 such municipality or county. The proposition shall be in the
 17 following form:

18 -----
 19 Shall video gaming YES
 20 be permitted ~~prohibited~~ in -----
 21? NO
 22 -----

23 If a majority of the voters voting upon such last mentioned
 24 proposition in any municipality or county vote "YES", such
 25 video gaming shall be permitted ~~prohibited~~ in such municipality

1 or county. The petition mentioned in this Section shall be a
2 public document and shall be subject to inspection by the
3 public.

4 (Source: P.A. 96-34, eff. 7-13-09.)

5 (230 ILCS 40/90 new)

6 Sec. 90. Home rule preemption. The regulation of video
7 gaming is an exclusive power and function of the State. A home
8 rule unit may not regulate video gaming operations. This
9 Section is a denial and limitation of home rule powers and
10 functions under subsection (h) of Section 6 of Article VII of
11 the Illinois Constitution.

12 Section 90-45. The Liquor Control Act of 1934 is amended by
13 changing Sections 5-1 and 6-30 as follows:

14 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

15 Sec. 5-1. Licenses issued by the Illinois Liquor Control
16 Commission shall be of the following classes:

17 (a) Manufacturer's license - Class 1. Distiller, Class 2.
18 Rectifier, Class 3. Brewer, Class 4. First Class Wine
19 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
20 First Class Winemaker, Class 7. Second Class Winemaker, Class
21 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class
22 10. Craft Brewer,

23 (b) Distributor's license,

- 1 (c) Importing Distributor's license,
- 2 (d) Retailer's license,
- 3 (e) Special Event Retailer's license (not-for-profit),
- 4 (f) Railroad license,
- 5 (g) Boat license,
- 6 (h) Non-Beverage User's license,
- 7 (i) Wine-maker's premises license,
- 8 (j) Airplane license,
- 9 (k) Foreign importer's license,
- 10 (l) Broker's license,
- 11 (m) Non-resident dealer's license,
- 12 (n) Brew Pub license,
- 13 (o) Auction liquor license,
- 14 (p) Caterer retailer license,
- 15 (q) Special use permit license,
- 16 (r) Winery shipper's license.

17 No person, firm, partnership, corporation, or other legal
18 business entity that is engaged in the manufacturing of wine
19 may concurrently obtain and hold a wine-maker's license and a
20 wine manufacturer's license.

21 (a) A manufacturer's license shall allow the manufacture,
22 importation in bulk, storage, distribution and sale of
23 alcoholic liquor to persons without the State, as may be
24 permitted by law and to licensees in this State as follows:

25 Class 1. A Distiller may make sales and deliveries of
26 alcoholic liquor to distillers, rectifiers, importing

1 distributors, distributors and non-beverage users and to no
2 other licensees.

3 Class 2. A Rectifier, who is not a distiller, as defined
4 herein, may make sales and deliveries of alcoholic liquor to
5 rectifiers, importing distributors, distributors, retailers
6 and non-beverage users and to no other licensees.

7 Class 3. A Brewer may make sales and deliveries of beer to
8 importing distributors and distributors and may make sales as
9 authorized under subsection (e) of Section 6-4 of this Act.

10 Class 4. A first class wine-manufacturer may make sales and
11 deliveries of up to 50,000 gallons of wine to manufacturers,
12 importing distributors and distributors, and to no other
13 licensees.

14 Class 5. A second class Wine manufacturer may make sales
15 and deliveries of more than 50,000 gallons of wine to
16 manufacturers, importing distributors and distributors and to
17 no other licensees.

18 Class 6. A first-class wine-maker's license shall allow the
19 manufacture of up to 50,000 gallons of wine per year, and the
20 storage and sale of such wine to distributors in the State and
21 to persons without the State, as may be permitted by law. A
22 person who, prior to the effective date of this amendatory Act
23 of the 95th General Assembly, is a holder of a first-class
24 wine-maker's license and annually produces more than 25,000
25 gallons of its own wine and who distributes its wine to
26 licensed retailers shall cease this practice on or before July

1 1, 2008 in compliance with this amendatory Act of the 95th
2 General Assembly.

3 Class 7. A second-class wine-maker's license shall allow
4 the manufacture of between 50,000 and 150,000 gallons of wine
5 per year, and the storage and sale of such wine to distributors
6 in this State and to persons without the State, as may be
7 permitted by law. A person who, prior to the effective date of
8 this amendatory Act of the 95th General Assembly, is a holder
9 of a second-class wine-maker's license and annually produces
10 more than 25,000 gallons of its own wine and who distributes
11 its wine to licensed retailers shall cease this practice on or
12 before July 1, 2008 in compliance with this amendatory Act of
13 the 95th General Assembly.

14 Class 8. A limited wine-manufacturer may make sales and
15 deliveries not to exceed 40,000 gallons of wine per year to
16 distributors, and to non-licensees in accordance with the
17 provisions of this Act.

18 Class 9. A craft distiller license shall allow the
19 manufacture of up to 15,000 gallons of spirits by distillation
20 per year and the storage of such spirits. If a craft distiller
21 licensee is not affiliated with any other manufacturer, then
22 the craft distiller licensee may sell such spirits to
23 distributors in this State and non-licensees to the extent
24 permitted by any exemption approved by the Commission pursuant
25 to Section 6-4 of this Act.

26 Any craft distiller licensed under this Act who on the

1 effective date of this amendatory Act of the 96th General
2 Assembly was licensed as a distiller and manufactured no more
3 spirits than permitted by this Section shall not be required to
4 pay the initial licensing fee.

5 Class 10. A craft brewer's license, which may only be
6 issued to a licensed brewer or licensed non-resident dealer,
7 shall allow the manufacture of up to 465,000 gallons of beer
8 per year. A craft brewer licensee may make sales and deliveries
9 to importing distributors and distributors and to retail
10 licensees in accordance with the conditions set forth in
11 paragraph (18) of subsection (a) of Section 3-12 of this Act.

12 (a-1) A manufacturer which is licensed in this State to
13 make sales or deliveries of alcoholic liquor and which enlists
14 agents, representatives, or individuals acting on its behalf
15 who contact licensed retailers on a regular and continual basis
16 in this State must register those agents, representatives, or
17 persons acting on its behalf with the State Commission.

18 Registration of agents, representatives, or persons acting
19 on behalf of a manufacturer is fulfilled by submitting a form
20 to the Commission. The form shall be developed by the
21 Commission and shall include the name and address of the
22 applicant, the name and address of the manufacturer he or she
23 represents, the territory or areas assigned to sell to or
24 discuss pricing terms of alcoholic liquor, and any other
25 questions deemed appropriate and necessary. All statements in
26 the forms required to be made by law or by rule shall be deemed

1 material, and any person who knowingly misstates any material
2 fact under oath in an application is guilty of a Class B
3 misdemeanor. Fraud, misrepresentation, false statements,
4 misleading statements, evasions, or suppression of material
5 facts in the securing of a registration are grounds for
6 suspension or revocation of the registration.

7 (b) A distributor's license shall allow the wholesale
8 purchase and storage of alcoholic liquors and sale of alcoholic
9 liquors to licensees in this State and to persons without the
10 State, as may be permitted by law.

11 (c) An importing distributor's license may be issued to and
12 held by those only who are duly licensed distributors, upon the
13 filing of an application by a duly licensed distributor, with
14 the Commission and the Commission shall, without the payment of
15 any fee, immediately issue such importing distributor's
16 license to the applicant, which shall allow the importation of
17 alcoholic liquor by the licensee into this State from any point
18 in the United States outside this State, and the purchase of
19 alcoholic liquor in barrels, casks or other bulk containers and
20 the bottling of such alcoholic liquors before resale thereof,
21 but all bottles or containers so filled shall be sealed,
22 labeled, stamped and otherwise made to comply with all
23 provisions, rules and regulations governing manufacturers in
24 the preparation and bottling of alcoholic liquors. The
25 importing distributor's license shall permit such licensee to
26 purchase alcoholic liquor from Illinois licensed non-resident

1 dealers and foreign importers only.

2 (d) A retailer's license shall allow the licensee to sell
3 and offer for sale at retail, only in the premises specified in
4 the license, alcoholic liquor for use or consumption, but not
5 for resale in any form. Nothing in this amendatory Act of the
6 95th General Assembly shall deny, limit, remove, or restrict
7 the ability of a holder of a retailer's license to transfer,
8 deliver, or ship alcoholic liquor to the purchaser for use or
9 consumption subject to any applicable local law or ordinance.
10 Any retail license issued to a manufacturer shall only permit
11 the manufacturer to sell beer at retail on the premises
12 actually occupied by the manufacturer. For the purpose of
13 further describing the type of business conducted at a retail
14 licensed premises, a retailer's licensee may be designated by
15 the State Commission as (i) an on premise consumption retailer,
16 (ii) an off premise sale retailer, or (iii) a combined on
17 premise consumption and off premise sale retailer.

18 Notwithstanding any other provision of this subsection
19 (d), a retail licensee may sell alcoholic liquors to a special
20 event retailer licensee for resale to the extent permitted
21 under subsection (e).

22 (e) A special event retailer's license (not-for-profit)
23 shall permit the licensee to purchase alcoholic liquors from an
24 Illinois licensed distributor (unless the licensee purchases
25 less than \$500 of alcoholic liquors for the special event, in
26 which case the licensee may purchase the alcoholic liquors from

1 a licensed retailer) and shall allow the licensee to sell and
2 offer for sale, at retail, alcoholic liquors for use or
3 consumption, but not for resale in any form and only at the
4 location and on the specific dates designated for the special
5 event in the license. An applicant for a special event retailer
6 license must (i) furnish with the application: (A) a resale
7 number issued under Section 2c of the Retailers' Occupation Tax
8 Act or evidence that the applicant is registered under Section
9 2a of the Retailers' Occupation Tax Act, (B) a current, valid
10 exemption identification number issued under Section 1g of the
11 Retailers' Occupation Tax Act, and a certification to the
12 Commission that the purchase of alcoholic liquors will be a
13 tax-exempt purchase, or (C) a statement that the applicant is
14 not registered under Section 2a of the Retailers' Occupation
15 Tax Act, does not hold a resale number under Section 2c of the
16 Retailers' Occupation Tax Act, and does not hold an exemption
17 number under Section 1g of the Retailers' Occupation Tax Act,
18 in which event the Commission shall set forth on the special
19 event retailer's license a statement to that effect; (ii)
20 submit with the application proof satisfactory to the State
21 Commission that the applicant will provide dram shop liability
22 insurance in the maximum limits; and (iii) show proof
23 satisfactory to the State Commission that the applicant has
24 obtained local authority approval.

25 (f) A railroad license shall permit the licensee to import
26 alcoholic liquors into this State from any point in the United

1 States outside this State and to store such alcoholic liquors
2 in this State; to make wholesale purchases of alcoholic liquors
3 directly from manufacturers, foreign importers, distributors
4 and importing distributors from within or outside this State;
5 and to store such alcoholic liquors in this State; provided
6 that the above powers may be exercised only in connection with
7 the importation, purchase or storage of alcoholic liquors to be
8 sold or dispensed on a club, buffet, lounge or dining car
9 operated on an electric, gas or steam railway in this State;
10 and provided further, that railroad licensees exercising the
11 above powers shall be subject to all provisions of Article VIII
12 of this Act as applied to importing distributors. A railroad
13 license shall also permit the licensee to sell or dispense
14 alcoholic liquors on any club, buffet, lounge or dining car
15 operated on an electric, gas or steam railway regularly
16 operated by a common carrier in this State, but shall not
17 permit the sale for resale of any alcoholic liquors to any
18 licensee within this State. A license shall be obtained for
19 each car in which such sales are made.

20 (g) A boat license shall allow the sale of alcoholic liquor
21 in individual drinks, on any passenger boat regularly operated
22 as a common carrier on navigable waters in this State or on any
23 riverboat operated under the Illinois Riverboat ~~Riverboat~~ Gambling Act,
24 which boat or riverboat maintains a public dining room or
25 restaurant thereon.

26 (h) A non-beverage user's license shall allow the licensee

1 to purchase alcoholic liquor from a licensed manufacturer or
 2 importing distributor, without the imposition of any tax upon
 3 the business of such licensed manufacturer or importing
 4 distributor as to such alcoholic liquor to be used by such
 5 licensee solely for the non-beverage purposes set forth in
 6 subsection (a) of Section 8-1 of this Act, and such licenses
 7 shall be divided and classified and shall permit the purchase,
 8 possession and use of limited and stated quantities of
 9 alcoholic liquor as follows:

- 10 Class 1, not to exceed 500 gallons
- 11 Class 2, not to exceed 1,000 gallons
- 12 Class 3, not to exceed 5,000 gallons
- 13 Class 4, not to exceed 10,000 gallons
- 14 Class 5, not to exceed 50,000 gallons

15 (i) A wine-maker's premises license shall allow a licensee
 16 that concurrently holds a first-class wine-maker's license to
 17 sell and offer for sale at retail in the premises specified in
 18 such license not more than 50,000 gallons of the first-class
 19 wine-maker's wine that is made at the first-class wine-maker's
 20 licensed premises per year for use or consumption, but not for
 21 resale in any form. A wine-maker's premises license shall allow
 22 a licensee who concurrently holds a second-class wine-maker's
 23 license to sell and offer for sale at retail in the premises
 24 specified in such license up to 100,000 gallons of the
 25 second-class wine-maker's wine that is made at the second-class
 26 wine-maker's licensed premises per year for use or consumption

1 but not for resale in any form. A wine-maker's premises license
2 shall allow a licensee that concurrently holds a first-class
3 wine-maker's license or a second-class wine-maker's license to
4 sell and offer for sale at retail at the premises specified in
5 the wine-maker's premises license, for use or consumption but
6 not for resale in any form, any beer, wine, and spirits
7 purchased from a licensed distributor. Upon approval from the
8 State Commission, a wine-maker's premises license shall allow
9 the licensee to sell and offer for sale at (i) the wine-maker's
10 licensed premises and (ii) at up to 2 additional locations for
11 use and consumption and not for resale. Each location shall
12 require additional licensing per location as specified in
13 Section 5-3 of this Act. A wine-maker's premises licensee shall
14 secure liquor liability insurance coverage in an amount at
15 least equal to the maximum liability amounts set forth in
16 subsection (a) of Section 6-21 of this Act.

17 (j) An airplane license shall permit the licensee to import
18 alcoholic liquors into this State from any point in the United
19 States outside this State and to store such alcoholic liquors
20 in this State; to make wholesale purchases of alcoholic liquors
21 directly from manufacturers, foreign importers, distributors
22 and importing distributors from within or outside this State;
23 and to store such alcoholic liquors in this State; provided
24 that the above powers may be exercised only in connection with
25 the importation, purchase or storage of alcoholic liquors to be
26 sold or dispensed on an airplane; and provided further, that

1 airplane licensees exercising the above powers shall be subject
2 to all provisions of Article VIII of this Act as applied to
3 importing distributors. An airplane licensee shall also permit
4 the sale or dispensing of alcoholic liquors on any passenger
5 airplane regularly operated by a common carrier in this State,
6 but shall not permit the sale for resale of any alcoholic
7 liquors to any licensee within this State. A single airplane
8 license shall be required of an airline company if liquor
9 service is provided on board aircraft in this State. The annual
10 fee for such license shall be as determined in Section 5-3.

11 (k) A foreign importer's license shall permit such licensee
12 to purchase alcoholic liquor from Illinois licensed
13 non-resident dealers only, and to import alcoholic liquor other
14 than in bulk from any point outside the United States and to
15 sell such alcoholic liquor to Illinois licensed importing
16 distributors and to no one else in Illinois; provided that (i)
17 the foreign importer registers with the State Commission every
18 brand of alcoholic liquor that it proposes to sell to Illinois
19 licensees during the license period, (ii) the foreign importer
20 complies with all of the provisions of Section 6-9 of this Act
21 with respect to registration of such Illinois licensees as may
22 be granted the right to sell such brands at wholesale, and
23 (iii) the foreign importer complies with the provisions of
24 Sections 6-5 and 6-6 of this Act to the same extent that these
25 provisions apply to manufacturers.

26 (l) (i) A broker's license shall be required of all persons

1 who solicit orders for, offer to sell or offer to supply
2 alcoholic liquor to retailers in the State of Illinois, or who
3 offer to retailers to ship or cause to be shipped or to make
4 contact with distillers, rectifiers, brewers or manufacturers
5 or any other party within or without the State of Illinois in
6 order that alcoholic liquors be shipped to a distributor,
7 importing distributor or foreign importer, whether such
8 solicitation or offer is consummated within or without the
9 State of Illinois.

10 No holder of a retailer's license issued by the Illinois
11 Liquor Control Commission shall purchase or receive any
12 alcoholic liquor, the order for which was solicited or offered
13 for sale to such retailer by a broker unless the broker is the
14 holder of a valid broker's license.

15 The broker shall, upon the acceptance by a retailer of the
16 broker's solicitation of an order or offer to sell or supply or
17 deliver or have delivered alcoholic liquors, promptly forward
18 to the Illinois Liquor Control Commission a notification of
19 said transaction in such form as the Commission may by
20 regulations prescribe.

21 (ii) A broker's license shall be required of a person
22 within this State, other than a retail licensee, who, for a fee
23 or commission, promotes, solicits, or accepts orders for
24 alcoholic liquor, for use or consumption and not for resale, to
25 be shipped from this State and delivered to residents outside
26 of this State by an express company, common carrier, or

1 contract carrier. This Section does not apply to any person who
2 promotes, solicits, or accepts orders for wine as specifically
3 authorized in Section 6-29 of this Act.

4 A broker's license under this subsection (1) shall not
5 entitle the holder to buy or sell any alcoholic liquors for his
6 own account or to take or deliver title to such alcoholic
7 liquors.

8 This subsection (1) shall not apply to distributors,
9 employees of distributors, or employees of a manufacturer who
10 has registered the trademark, brand or name of the alcoholic
11 liquor pursuant to Section 6-9 of this Act, and who regularly
12 sells such alcoholic liquor in the State of Illinois only to
13 its registrants thereunder.

14 Any agent, representative, or person subject to
15 registration pursuant to subsection (a-1) of this Section shall
16 not be eligible to receive a broker's license.

17 (m) A non-resident dealer's license shall permit such
18 licensee to ship into and warehouse alcoholic liquor into this
19 State from any point outside of this State, and to sell such
20 alcoholic liquor to Illinois licensed foreign importers and
21 importing distributors and to no one else in this State;
22 provided that (i) said non-resident dealer shall register with
23 the Illinois Liquor Control Commission each and every brand of
24 alcoholic liquor which it proposes to sell to Illinois
25 licensees during the license period, (ii) it shall comply with
26 all of the provisions of Section 6-9 hereof with respect to

1 registration of such Illinois licensees as may be granted the
2 right to sell such brands at wholesale, and (iii) the
3 non-resident dealer shall comply with the provisions of
4 Sections 6-5 and 6-6 of this Act to the same extent that these
5 provisions apply to manufacturers.

6 (n) A brew pub license shall allow the licensee (i) to
7 manufacture beer only on the premises specified in the license,
8 (ii) to make sales of the beer manufactured on the premises or,
9 with the approval of the Commission, beer manufactured on
10 another brew pub licensed premises that is substantially owned
11 and operated by the same licensee to importing distributors,
12 distributors, and to non-licensees for use and consumption,
13 (iii) to store the beer upon the premises, and (iv) to sell and
14 offer for sale at retail from the licensed premises, provided
15 that a brew pub licensee shall not sell for off-premises
16 consumption more than 50,000 gallons per year. A person who
17 holds a brew pub license may simultaneously hold a craft brewer
18 license if he or she otherwise qualifies for the craft brewer
19 license and the craft brewer license is for a location separate
20 from the brew pub's licensed premises. A brew pub license shall
21 permit a person who has received prior approval from the
22 Commission to annually transfer no more than a total of 50,000
23 gallons of beer manufactured on premises to all other licensed
24 brew pubs that are substantially owned and operated by the same
25 person.

26 (o) A caterer retailer license shall allow the holder to

1 serve alcoholic liquors as an incidental part of a food service
2 that serves prepared meals which excludes the serving of snacks
3 as the primary meal, either on or off-site whether licensed or
4 unlicensed.

5 (p) An auction liquor license shall allow the licensee to
6 sell and offer for sale at auction wine and spirits for use or
7 consumption, or for resale by an Illinois liquor licensee in
8 accordance with provisions of this Act. An auction liquor
9 license will be issued to a person and it will permit the
10 auction liquor licensee to hold the auction anywhere in the
11 State. An auction liquor license must be obtained for each
12 auction at least 14 days in advance of the auction date.

13 (q) A special use permit license shall allow an Illinois
14 licensed retailer to transfer a portion of its alcoholic liquor
15 inventory from its retail licensed premises to the premises
16 specified in the license hereby created, and to sell or offer
17 for sale at retail, only in the premises specified in the
18 license hereby created, the transferred alcoholic liquor for
19 use or consumption, but not for resale in any form. A special
20 use permit license may be granted for the following time
21 periods: one day or less; 2 or more days to a maximum of 15 days
22 per location in any 12 month period. An applicant for the
23 special use permit license must also submit with the
24 application proof satisfactory to the State Commission that the
25 applicant will provide dram shop liability insurance to the
26 maximum limits and have local authority approval.

1 (r) A winery shipper's license shall allow a person with a
2 first-class or second-class wine manufacturer's license, a
3 first-class or second-class wine-maker's license, or a limited
4 wine manufacturer's license or who is licensed to make wine
5 under the laws of another state to ship wine made by that
6 licensee directly to a resident of this State who is 21 years
7 of age or older for that resident's personal use and not for
8 resale. Prior to receiving a winery shipper's license, an
9 applicant for the license must provide the Commission with a
10 true copy of its current license in any state in which it is
11 licensed as a manufacturer of wine. An applicant for a winery
12 shipper's license must also complete an application form that
13 provides any other information the Commission deems necessary.
14 The application form shall include an acknowledgement
15 consenting to the jurisdiction of the Commission, the Illinois
16 Department of Revenue, and the courts of this State concerning
17 the enforcement of this Act and any related laws, rules, and
18 regulations, including authorizing the Department of Revenue
19 and the Commission to conduct audits for the purpose of
20 ensuring compliance with this amendatory Act.

21 A winery shipper licensee must pay to the Department of
22 Revenue the State liquor gallonage tax under Section 8-1 for
23 all wine that is sold by the licensee and shipped to a person
24 in this State. For the purposes of Section 8-1, a winery
25 shipper licensee shall be taxed in the same manner as a
26 manufacturer of wine. A licensee who is not otherwise required

1 to register under the Retailers' Occupation Tax Act must
2 register under the Use Tax Act to collect and remit use tax to
3 the Department of Revenue for all gallons of wine that are sold
4 by the licensee and shipped to persons in this State. If a
5 licensee fails to remit the tax imposed under this Act in
6 accordance with the provisions of Article VIII of this Act, the
7 winery shipper's license shall be revoked in accordance with
8 the provisions of Article VII of this Act. If a licensee fails
9 to properly register and remit tax under the Use Tax Act or the
10 Retailers' Occupation Tax Act for all wine that is sold by the
11 winery shipper and shipped to persons in this State, the winery
12 shipper's license shall be revoked in accordance with the
13 provisions of Article VII of this Act.

14 A winery shipper licensee must collect, maintain, and
15 submit to the Commission on a semi-annual basis the total
16 number of cases per resident of wine shipped to residents of
17 this State. A winery shipper licensed under this subsection (r)
18 must comply with the requirements of Section 6-29 of this
19 amendatory Act.

20 (Source: P.A. 96-1367, eff. 7-28-10; 97-5, eff. 6-1-11; 97-455,
21 eff. 8-19-11; revised 9-16-11.)

22 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

23 Sec. 6-30. Notwithstanding any other provision of this Act,
24 the Illinois Gaming Board shall have exclusive authority to
25 establish the hours for sale and consumption of alcoholic

1 liquor on board a riverboat during riverboat gambling
2 excursions and in a casino conducted in accordance with the
3 Illinois Riverboat Gambling Act.

4 (Source: P.A. 87-826.)

5 Section 90-50. The Criminal Code of 1961 is amended by
6 changing Sections 28-1, 28-1.1, 28-3, 28-5, and 28-7 as
7 follows:

8 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

9 Sec. 28-1. Gambling.

10 (a) A person commits gambling when he:

11 (1) Plays a game of chance or skill for money or other
12 thing of value, unless excepted in subsection (b) of this
13 Section; or

14 (2) Makes a wager upon the result of any game, contest,
15 or any political nomination, appointment or election; or

16 (3) Operates, keeps, owns, uses, purchases, exhibits,
17 rents, sells, bargains for the sale or lease of,
18 manufactures or distributes any gambling device; or

19 (4) Contracts to have or give himself or another the
20 option to buy or sell, or contracts to buy or sell, at a
21 future time, any grain or other commodity whatsoever, or
22 any stock or security of any company, where it is at the
23 time of making such contract intended by both parties
24 thereto that the contract to buy or sell, or the option,

1 whenever exercised, or the contract resulting therefrom,
2 shall be settled, not by the receipt or delivery of such
3 property, but by the payment only of differences in prices
4 thereof; however, the issuance, purchase, sale, exercise,
5 endorsement or guarantee, by or through a person registered
6 with the Secretary of State pursuant to Section 8 of the
7 Illinois Securities Law of 1953, or by or through a person
8 exempt from such registration under said Section 8, of a
9 put, call, or other option to buy or sell securities which
10 have been registered with the Secretary of State or which
11 are exempt from such registration under Section 3 of the
12 Illinois Securities Law of 1953 is not gambling within the
13 meaning of this paragraph (4); or

14 (5) Knowingly owns or possesses any book, instrument or
15 apparatus by means of which bets or wagers have been, or
16 are, recorded or registered, or knowingly possesses any
17 money which he has received in the course of a bet or
18 wager; or

19 (6) Sells pools upon the result of any game or contest
20 of skill or chance, political nomination, appointment or
21 election; or

22 (7) Sets up or promotes any lottery or sells, offers to
23 sell or transfers any ticket or share for any lottery; or

24 (8) Sets up or promotes any policy game or sells,
25 offers to sell or knowingly possesses or transfers any
26 policy ticket, slip, record, document or other similar

1 device; or

2 (9) Knowingly drafts, prints or publishes any lottery
3 ticket or share, or any policy ticket, slip, record,
4 document or similar device, except for such activity
5 related to lotteries, bingo games and raffles authorized by
6 and conducted in accordance with the laws of Illinois or
7 any other state or foreign government; or

8 (10) Knowingly advertises any lottery or policy game,
9 except for such activity related to lotteries, bingo games
10 and raffles authorized by and conducted in accordance with
11 the laws of Illinois or any other state; or

12 (11) Knowingly transmits information as to wagers,
13 betting odds, or changes in betting odds by telephone,
14 telegraph, radio, semaphore or similar means; or knowingly
15 installs or maintains equipment for the transmission or
16 receipt of such information; except that nothing in this
17 subdivision (11) prohibits transmission or receipt of such
18 information for use in news reporting of sporting events or
19 contests; or

20 (12) Knowingly establishes, maintains, or operates an
21 Internet site that permits a person to play a game of
22 chance or skill for money or other thing of value by means
23 of the Internet or to make a wager upon the result of any
24 game, contest, political nomination, appointment, or
25 election by means of the Internet. This item (12) does not
26 apply to activities referenced in items (6) and (6.1) of

1 subsection (b) of this Section.

2 (b) Participants in any of the following activities shall
3 not be convicted of gambling therefor:

4 (1) Agreements to compensate for loss caused by the
5 happening of chance including without limitation contracts
6 of indemnity or guaranty and life or health or accident
7 insurance.

8 (2) Offers of prizes, award or compensation to the
9 actual contestants in any bona fide contest for the
10 determination of skill, speed, strength or endurance or to
11 the owners of animals or vehicles entered in such contest.

12 (3) Pari-mutuel betting as authorized by the law of
13 this State.

14 (4) Manufacture of gambling devices, including the
15 acquisition of essential parts therefor and the assembly
16 thereof, for transportation in interstate or foreign
17 commerce to any place outside this State when such
18 transportation is not prohibited by any applicable Federal
19 law; or the manufacture, distribution, or possession of
20 video gaming terminals, as defined in the Video Gaming Act,
21 by manufacturers, distributors, and terminal operators
22 licensed to do so under the Video Gaming Act.

23 (5) The game commonly known as "bingo", when conducted
24 in accordance with the Bingo License and Tax Act.

25 (6) Lotteries when conducted by the State of Illinois
26 in accordance with the Illinois Lottery Law. This exemption

1 includes any activity conducted by the Department of
2 Revenue to sell lottery tickets pursuant to the provisions
3 of the Illinois Lottery Law and its rules.

4 (6.1) The purchase of lottery tickets through the
5 Internet for a lottery conducted by the State of Illinois
6 under the program established in Section 7.12 of the
7 Illinois Lottery Law.

8 (7) Possession of an antique slot machine that is
9 neither used nor intended to be used in the operation or
10 promotion of any unlawful gambling activity or enterprise.
11 For the purpose of this subparagraph (b) (7), an antique
12 slot machine is one manufactured 25 years ago or earlier.

13 (8) Raffles when conducted in accordance with the
14 Raffles Act.

15 (9) Charitable games when conducted in accordance with
16 the Charitable Games Act.

17 (10) Pull tabs and jar games when conducted under the
18 Illinois Pull Tabs and Jar Games Act.

19 (11) Gambling games ~~conducted on riverboats~~ when
20 authorized by the Illinois ~~Riverboat~~ Gambling Act.

21 (12) Video gaming terminal games at a licensed
22 establishment, licensed truck stop establishment, licensed
23 fraternal establishment, or licensed veterans
24 establishment when conducted in accordance with the Video
25 Gaming Act.

26 (13) Games of skill or chance where money or other

1 things of value can be won but no payment or purchase is
2 required to participate.

3 (c) Sentence.

4 Gambling under subsection (a)(1) or (a)(2) of this Section
5 is a Class A misdemeanor. Gambling under any of subsections
6 (a)(3) through (a)(11) of this Section is a Class A
7 misdemeanor. A second or subsequent conviction under any of
8 subsections (a)(3) through (a)(11), is a Class 4 felony.
9 Gambling under subsection (a)(12) of this Section is a Class A
10 misdemeanor. A second or subsequent conviction under
11 subsection (a)(12) is a Class 4 felony.

12 (d) Circumstantial evidence.

13 In prosecutions under subsection (a)(1) through (a)(12) of
14 this Section circumstantial evidence shall have the same
15 validity and weight as in any criminal prosecution.

16 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
17 96-1203, eff. 7-22-10.)

18 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

19 Sec. 28-1.1. Syndicated gambling.

20 (a) Declaration of Purpose. Recognizing the close
21 relationship between professional gambling and other organized
22 crime, it is declared to be the policy of the legislature to
23 restrain persons from engaging in the business of gambling for
24 profit in this State. This Section shall be liberally construed
25 and administered with a view to carrying out this policy.

1 (b) A person commits syndicated gambling when he operates a
2 "policy game" or engages in the business of bookmaking.

3 (c) A person "operates a policy game" when he knowingly
4 uses any premises or property for the purpose of receiving or
5 knowingly does receive from what is commonly called "policy":

6 (1) money from a person other than the better or player
7 whose bets or plays are represented by such money; or

8 (2) written "policy game" records, made or used over
9 any period of time, from a person other than the better or
10 player whose bets or plays are represented by such written
11 record.

12 (d) A person engages in bookmaking when he receives or
13 accepts more than five bets or wagers upon the result of any
14 trials or contests of skill, speed or power of endurance or
15 upon any lot, chance, casualty, unknown or contingent event
16 whatsoever, which bets or wagers shall be of such size that the
17 total of the amounts of money paid or promised to be paid to
18 such bookmaker on account thereof shall exceed \$2,000.
19 Bookmaking is the receiving or accepting of such bets or wagers
20 regardless of the form or manner in which the bookmaker records
21 them.

22 (e) Participants in any of the following activities shall
23 not be convicted of syndicated gambling:

24 (1) Agreements to compensate for loss caused by the
25 happening of chance including without limitation contracts
26 of indemnity or guaranty and life or health or accident

1 insurance; and

2 (2) Offers of prizes, award or compensation to the
3 actual contestants in any bona fide contest for the
4 determination of skill, speed, strength or endurance or to
5 the owners of animals or vehicles entered in such contest;
6 and

7 (3) Pari-mutuel betting as authorized by law of this
8 State; and

9 (4) Manufacture of gambling devices, including the
10 acquisition of essential parts therefor and the assembly
11 thereof, for transportation in interstate or foreign
12 commerce to any place outside this State when such
13 transportation is not prohibited by any applicable Federal
14 law; and

15 (5) Raffles when conducted in accordance with the
16 Raffles Act; and

17 (6) Gambling games conducted on riverboats or in
18 casinos when authorized by the Illinois Riverboat Gambling
19 Act; and

20 (7) Video gaming terminal games at a licensed
21 establishment, licensed truck stop establishment, licensed
22 fraternal establishment, or licensed veterans
23 establishment when conducted in accordance with the Video
24 Gaming Act.

25 (f) Sentence. Syndicated gambling is a Class 3 felony.

26 (Source: P.A. 96-34, eff. 7-13-09.)

1 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

2 Sec. 28-3. Keeping a Gambling Place. A "gambling place" is
3 any real estate, vehicle, boat or any other property whatsoever
4 used for the purposes of gambling other than gambling conducted
5 in the manner authorized by the Illinois ~~Riverboat~~ Gambling Act
6 or the Video Gaming Act. Any person who knowingly permits any
7 premises or property owned or occupied by him or under his
8 control to be used as a gambling place commits a Class A
9 misdemeanor. Each subsequent offense is a Class 4 felony. When
10 any premises is determined by the circuit court to be a
11 gambling place:

12 (a) Such premises is a public nuisance and may be proceeded
13 against as such, and

14 (b) All licenses, permits or certificates issued by the
15 State of Illinois or any subdivision or public agency thereof
16 authorizing the serving of food or liquor on such premises
17 shall be void; and no license, permit or certificate so
18 cancelled shall be reissued for such premises for a period of
19 60 days thereafter; nor shall any person convicted of keeping a
20 gambling place be reissued such license for one year from his
21 conviction and, after a second conviction of keeping a gambling
22 place, any such person shall not be reissued such license, and

23 (c) Such premises of any person who knowingly permits
24 thereon a violation of any Section of this Article shall be
25 held liable for, and may be sold to pay any unsatisfied

1 judgment that may be recovered and any unsatisfied fine that
2 may be levied under any Section of this Article.

3 (Source: P.A. 96-34, eff. 7-13-09.)

4 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

5 Sec. 28-5. Seizure of gambling devices and gambling funds.

6 (a) Every device designed for gambling which is incapable
7 of lawful use or every device used unlawfully for gambling
8 shall be considered a "gambling device", and shall be subject
9 to seizure, confiscation and destruction by the Department of
10 State Police or by any municipal, or other local authority,
11 within whose jurisdiction the same may be found. As used in
12 this Section, a "gambling device" includes any slot machine,
13 and includes any machine or device constructed for the
14 reception of money or other thing of value and so constructed
15 as to return, or to cause someone to return, on chance to the
16 player thereof money, property or a right to receive money or
17 property. With the exception of any device designed for
18 gambling which is incapable of lawful use, no gambling device
19 shall be forfeited or destroyed unless an individual with a
20 property interest in said device knows of the unlawful use of
21 the device.

22 (b) Every gambling device shall be seized and forfeited to
23 the county wherein such seizure occurs. Any money or other
24 thing of value integrally related to acts of gambling shall be
25 seized and forfeited to the county wherein such seizure occurs.

1 (c) If, within 60 days after any seizure pursuant to
2 subparagraph (b) of this Section, a person having any property
3 interest in the seized property is charged with an offense, the
4 court which renders judgment upon such charge shall, within 30
5 days after such judgment, conduct a forfeiture hearing to
6 determine whether such property was a gambling device at the
7 time of seizure. Such hearing shall be commenced by a written
8 petition by the State, including material allegations of fact,
9 the name and address of every person determined by the State to
10 have any property interest in the seized property, a
11 representation that written notice of the date, time and place
12 of such hearing has been mailed to every such person by
13 certified mail at least 10 days before such date, and a request
14 for forfeiture. Every such person may appear as a party and
15 present evidence at such hearing. The quantum of proof required
16 shall be a preponderance of the evidence, and the burden of
17 proof shall be on the State. If the court determines that the
18 seized property was a gambling device at the time of seizure,
19 an order of forfeiture and disposition of the seized property
20 shall be entered: a gambling device shall be received by the
21 State's Attorney, who shall effect its destruction, except that
22 valuable parts thereof may be liquidated and the resultant
23 money shall be deposited in the general fund of the county
24 wherein such seizure occurred; money and other things of value
25 shall be received by the State's Attorney and, upon
26 liquidation, shall be deposited in the general fund of the

1 county wherein such seizure occurred. However, in the event
2 that a defendant raises the defense that the seized slot
3 machine is an antique slot machine described in subparagraph
4 (b) (7) of Section 28-1 of this Code and therefore he is exempt
5 from the charge of a gambling activity participant, the seized
6 antique slot machine shall not be destroyed or otherwise
7 altered until a final determination is made by the Court as to
8 whether it is such an antique slot machine. Upon a final
9 determination by the Court of this question in favor of the
10 defendant, such slot machine shall be immediately returned to
11 the defendant. Such order of forfeiture and disposition shall,
12 for the purposes of appeal, be a final order and judgment in a
13 civil proceeding.

14 (d) If a seizure pursuant to subparagraph (b) of this
15 Section is not followed by a charge pursuant to subparagraph
16 (c) of this Section, or if the prosecution of such charge is
17 permanently terminated or indefinitely discontinued without
18 any judgment of conviction or acquittal (1) the State's
19 Attorney shall commence an in rem proceeding for the forfeiture
20 and destruction of a gambling device, or for the forfeiture and
21 deposit in the general fund of the county of any seized money
22 or other things of value, or both, in the circuit court and (2)
23 any person having any property interest in such seized gambling
24 device, money or other thing of value may commence separate
25 civil proceedings in the manner provided by law.

26 (e) Any gambling device displayed for sale to a riverboat

1 gambling operation or casino gambling operation or used to
2 train occupational licensees of a riverboat gambling operation
3 or casino gambling operation as authorized under the Illinois
4 ~~Riverboat~~ Gambling Act is exempt from seizure under this
5 Section.

6 (f) Any gambling equipment, devices and supplies provided
7 by a licensed supplier in accordance with the Illinois
8 ~~Riverboat~~ Gambling Act which are removed from a ~~the~~ riverboat
9 or casino for repair are exempt from seizure under this
10 Section.

11 (Source: P.A. 87-826.)

12 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

13 Sec. 28-7. Gambling contracts void.

14 (a) All promises, notes, bills, bonds, covenants,
15 contracts, agreements, judgments, mortgages, or other
16 securities or conveyances made, given, granted, drawn, or
17 entered into, or executed by any person whatsoever, where the
18 whole or any part of the consideration thereof is for any money
19 or thing of value, won or obtained in violation of any Section
20 of this Article are null and void.

21 (b) Any obligation void under this Section may be set aside
22 and vacated by any court of competent jurisdiction, upon a
23 complaint filed for that purpose, by the person so granting,
24 giving, entering into, or executing the same, or by his
25 executors or administrators, or by any creditor, heir, legatee,

1 purchaser or other person interested therein; or if a judgment,
2 the same may be set aside on motion of any person stated above,
3 on due notice thereof given.

4 (c) No assignment of any obligation void under this Section
5 may in any manner affect the defense of the person giving,
6 granting, drawing, entering into or executing such obligation,
7 or the remedies of any person interested therein.

8 (d) This Section shall not prevent a licensed owner of a
9 riverboat gambling operation or casino gambling operation from
10 instituting a cause of action to collect any amount due and
11 owing under an extension of credit to a ~~riverboat~~ gambling
12 patron as authorized under Section 11.1 of the Illinois
13 Riverboat Gambling Act.

14 (Source: P.A. 87-826.)

15 Section 90-55. The Eminent Domain Act is amended by adding
16 Section 15-5-47 as follows:

17 (735 ILCS 30/15-5-47 new)

18 Sec. 15-5-47. Eminent domain powers in new Acts. The
19 following provisions of law may include express grants of the
20 power to acquire property by condemnation or eminent domain:

21 Chicago Casino Development Authority Act; City of Chicago; for
22 the purposes of the Act.

1 Section 90-60. The Payday Loan Reform Act is amended by
2 changing Section 3-5 as follows:

3 (815 ILCS 122/3-5)

4 Sec. 3-5. Licensure.

5 (a) A license to make a payday loan shall state the
6 address, including city and state, at which the business is to
7 be conducted and shall state fully the name of the licensee.
8 The license shall be conspicuously posted in the place of
9 business of the licensee and shall not be transferable or
10 assignable.

11 (b) An application for a license shall be in writing and in
12 a form prescribed by the Secretary. The Secretary may not issue
13 a payday loan license unless and until the following findings
14 are made:

15 (1) that the financial responsibility, experience,
16 character, and general fitness of the applicant are such as
17 to command the confidence of the public and to warrant the
18 belief that the business will be operated lawfully and
19 fairly and within the provisions and purposes of this Act;
20 and

21 (2) that the applicant has submitted such other
22 information as the Secretary may deem necessary.

23 (c) A license shall be issued for no longer than one year,
24 and no renewal of a license may be provided if a licensee has
25 substantially violated this Act and has not cured the violation

1 to the satisfaction of the Department.

2 (d) A licensee shall appoint, in writing, the Secretary as
3 attorney-in-fact upon whom all lawful process against the
4 licensee may be served with the same legal force and validity
5 as if served on the licensee. A copy of the written
6 appointment, duly certified, shall be filed in the office of
7 the Secretary, and a copy thereof certified by the Secretary
8 shall be sufficient evidence to subject a licensee to
9 jurisdiction in a court of law. This appointment shall remain
10 in effect while any liability remains outstanding in this State
11 against the licensee. When summons is served upon the Secretary
12 as attorney-in-fact for a licensee, the Secretary shall
13 immediately notify the licensee by registered mail, enclosing
14 the summons and specifying the hour and day of service.

15 (e) A licensee must pay an annual fee of \$1,000. In
16 addition to the license fee, the reasonable expense of any
17 examination or hearing by the Secretary under any provisions of
18 this Act shall be borne by the licensee. If a licensee fails to
19 renew its license by December 31, its license shall
20 automatically expire; however, the Secretary, in his or her
21 discretion, may reinstate an expired license upon:

22 (1) payment of the annual fee within 30 days of the
23 date of expiration; and

24 (2) proof of good cause for failure to renew.

25 (f) Not more than one place of business shall be maintained
26 under the same license, but the Secretary may issue more than

1 one license to the same licensee upon compliance with all the
2 provisions of this Act governing issuance of a single license.
3 The location, except those locations already in existence as of
4 June 1, 2005, may not be within one mile of a horse race track
5 subject to the Illinois Horse Racing Act of 1975, within one
6 mile of a facility at which gambling is conducted under the
7 Illinois ~~Riverboat~~ Gambling Act, within one mile of the
8 location at which a riverboat subject to the Illinois ~~Riverboat~~
9 Gambling Act docks, or within one mile of any State of Illinois
10 or United States military base or naval installation.

11 (g) No licensee shall conduct the business of making loans
12 under this Act within any office, suite, room, or place of
13 business in which (1) any loans are offered or made under the
14 Consumer Installment Loan Act other than title secured loans as
15 defined in subsection (a) of Section 15 of the Consumer
16 Installment Loan Act and governed by Title 38, Section 110.330
17 of the Illinois Administrative Code or (2) any other business
18 is solicited or engaged in unless the other business is
19 licensed by the Department or, in the opinion of the Secretary,
20 the other business would not be contrary to the best interests
21 of consumers and is authorized by the Secretary in writing.

22 (g-5) Notwithstanding subsection (g) of this Section, a
23 licensee may obtain a license under the Consumer Installment
24 Loan Act (CILA) for the exclusive purpose and use of making
25 title secured loans, as defined in subsection (a) of Section 15
26 of CILA and governed by Title 38, Section 110.300 of the

1 Illinois Administrative Code. A licensee may continue to
2 service Consumer Installment Loan Act loans that were
3 outstanding as of the effective date of this amendatory Act of
4 the 96th General Assembly.

5 (h) The Secretary shall maintain a list of licensees that
6 shall be available to interested consumers and lenders and the
7 public. The Secretary shall maintain a toll-free number whereby
8 consumers may obtain information about licensees. The
9 Secretary shall also establish a complaint process under which
10 an aggrieved consumer may file a complaint against a licensee
11 or non-licensee who violates any provision of this Act.

12 (Source: P.A. 96-936, eff. 3-21-11.)

13 Section 90-65. The Travel Promotion Consumer Protection
14 Act is amended by changing Section 2 as follows:

15 (815 ILCS 420/2) (from Ch. 121 1/2, par. 1852)

16 Sec. 2. Definitions.

17 (a) "Travel promoter" means a person, including a tour
18 operator, who sells, provides, furnishes, contracts for,
19 arranges or advertises that he or she will arrange wholesale or
20 retail transportation by air, land, sea or navigable stream,
21 either separately or in conjunction with other services.
22 "Travel promoter" does not include (1) an air carrier; (2) a
23 sea carrier; (3) an officially appointed agent of an air
24 carrier who is a member in good standing of the Airline

1 Reporting Corporation; (4) a travel promoter who has in force
2 \$1,000,000 or more of liability insurance coverage for
3 professional errors and omissions and a surety bond or
4 equivalent surety in the amount of \$100,000 or more for the
5 benefit of consumers in the event of a bankruptcy on the part
6 of the travel promoter; or (5) a riverboat subject to
7 regulation under the Illinois Riverboat Gambling Act.

8 (b) "Advertise" means to make any representation in the
9 solicitation of passengers and includes communication with
10 other members of the same partnership, corporation, joint
11 venture, association, organization, group or other entity.

12 (c) "Passenger" means a person on whose behalf money or
13 other consideration has been given or is to be given to
14 another, including another member of the same partnership,
15 corporation, joint venture, association, organization, group
16 or other entity, for travel.

17 (d) "Ticket or voucher" means a writing or combination of
18 writings which is itself good and sufficient to obtain
19 transportation and other services for which the passenger has
20 contracted.

21 (Source: P.A. 91-357, eff. 7-29-99.)

22 (30 ILCS 105/5.490 rep.)

23 Section 90-70. The State Finance Act is amended by
24 repealing Section 5.490.

1 (230 ILCS 5/54 rep.)

2 Section 90-75. The Illinois Horse Racing Act of 1975 is
3 amended by repealing Section 54.

4 ARTICLE 99.

5 Section 99-97. Severability. The provisions of this Act are
6 severable under Section 1.31 of the Statute on Statutes.".